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# **Food Code**

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**U.S. Public Health Service**



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# **1997**

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## CHAPTER 137F

### FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

#### 137F.1 Definitions.

For the purpose of this chapter:

1. *"Bed and breakfast home"* means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests.

2. *"Commissary"* means a food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment's own food establishment outlets.

3. *"Department"* means the department of inspections and appeals.

4. *"Director"* means the director of the department of inspections and appeals.

5. *"Farmers market"* means a marketplace which seasonally operates principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premises consumption.

6. *"Food"* means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.

7. *"Food code"* means the 1997 edition of the United States food and drug administration food code.

8. *"Food establishment"* means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, the state training school, or the Iowa juvenile home. *"Food establishment"* does not include the following:

- a. A food processing plant.
- b. An establishment that offers only prepackaged foods that are nonpotentially hazardous.
- c. A produce stand or facility which sells only whole, uncut fresh fruits and vegetables.
- d. Premises which are a home food establishment pursuant to chapter 137D.
- e. Premises where a person operates a farmers market, if potentially hazardous food is not sold or distributed from the premises.
- f. Premises of a residence in which food that is nonpotentially hazardous is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food.
- g. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
- h. A private home that receives catered or home-delivered food.

- i. Child care facilities and other food establishment facilities located in hospitals or health care facilities which are subject to inspection by other state agencies or divisions of the department.
  - j. Supply vehicles, vending machine locations, or boardinghouses for permanent guests.
  - k. Establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.
  - l. Premises covered by a current class "A" beer permit as provided in chapter 123.
  - m. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.
9. *"Food processing plant"* means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. *"Food processing plant"* does not include any of the following:
- a. A premises covered by a class "A" beer permit as provided in chapter 123.
  - b. A premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.
10. *"Mobile food unit"* means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.
11. *"Municipal corporation"* means a political subdivision of this state.
12. *"Perishable food"* means potentially hazardous food.
13. *"Potentially hazardous food"* means a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the growth and toxin production of clostridium botulinum. *"Potentially hazardous food"* includes an animal food that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures. *"Potentially hazardous food"* does not include the following:
- a. An air-cooled hard-boiled egg with shell intact.
  - b. A food with a water activity value of 0.85 or less.
  - c. A food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at twenty-four degrees Centigrade or seventy-five degrees Fahrenheit.
  - d. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
14. *"Pushcart"* means a non-self-propelled vehicle food establishment limited to serving nonpotentially hazardous foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.
15. *"Regulatory authority"* means the department or a municipal corporation that has entered into an agreement with the director pursuant to section 137F.3 for authority to enforce this chapter in its jurisdiction.
16. *"Temporary food establishment"* means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event or celebration.

17. *"Vending machine"* means a food establishment which is a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

18. *"Vending machine location"* means the physical site where a vending machine is installed and operated, including the storage and servicing areas on the premises that are used in conjunction with the vending machine.

98 Acts, ch 1162, §6, 30; 99 Acts, ch 192, §33; 99 Acts, ch 208, §28; 2001 Acts, ch 81, §1, 2; 2002 Acts, ch 1149, §1, 3; 2003 Acts, ch 44, §37

### **137F.2 Adoption by rule.**

The director shall adopt the food code with the following exceptions:

1. Places used by a nonprofit organization which engages in the serving of food not more than one day per calendar week and not on two or more consecutive days are exempt from this chapter.

2. A food processing plant shall comply with the "Current Good Manufacturing Practices in Manufacturing, Processing, Packing, or Holding Human Food" as found in the latest version of 21 C.F.R. pt. 110, and with rules adopted by the department to enforce the practices.

3. A vending machine commissary shall be inspected at least once each calendar year.

4. A vending machine which only dispenses prepackaged food that is nonpotentially hazardous is exempt from inspection and licensing, except upon receipt of a verified complaint by the regulatory authority.

5. 1-201.10(B)(31) and 3-403.10 shall be deleted.

6. 3-201.11(B) shall be amended to allow all of the following:

*a.* Food that is prepared by a home food establishment licensed under chapter 137D to be used or offered for sale.

*b.* Honey that is stored; prepared; packaged, including by placement in a container; or labeled on or distributed from the premises of a residence.

7. 3-301.11(B) shall be amended by deleting the section and replacing it with the following:

*a.* Except when washing fruits and vegetables, food employees should, to the extent practicable, avoid contact with exposed, ready-to-eat food with their bare hands. Where ready-to-eat food is routinely handled by employees, employers should adopt reasonable sanitary procedures to reduce the risk of the transmission of pathogenic organisms.

*b.* In seeking to minimize employees' physical contact with ready-to-eat foods, no single method or device is universally practical or necessarily the most effective method to prevent the transmission of pathogenic organisms in all situations. As such, each public food service establishment shall review its operations to identify procedures where ready-to-eat food must be routinely handled by its employees and adopt one or more of the following sanitary alternatives, to be used either alone or in combination, to prevent the transmission of pathogenic organisms:

(1) The use of suitable food handling materials including, but not limited to, deli tissues, appropriate utensils, or dispensing equipment. Such materials must be used in conjunction with

thorough hand washing practices in accord with subparagraph (3).

(2) The use of single-use gloves, for the purpose of preparing or handling ready-to-eat foods, shall be discarded when damaged or soiled or when the process of food preparation or handling is interrupted. Single-use gloves must be used in conjunction with thorough hand washing practices in accord with subparagraph (3).

(3) The use, pursuant to the manufacturer's instructions, of anti-microbial soaps, with the additional optional use of anti-bacterial protective skin lotions or anti-microbial hand sanitizers, rinses, or dips. All such soaps, lotions, sanitizers, rinses, and dips must contain active topical anti-microbial or anti-bacterial ingredients, registered by the United States environmental protection agency, cleared by the United States food and drug administration, and approved by the United States department of agriculture.

(4) The use of such other practices, devices, or products that are found by the division to achieve a comparable level of protection to one or more of the sanitary alternatives in subparagraphs (1) through (3).

c. Regardless of the sanitary alternatives in use, each public food service establishment shall establish:

(1) Systematic focused education and training of all food service employees involved in the identified procedures regarding the potential for transmission of pathogenic organisms from contact with ready-to-eat food. The importance of proper hand washing and hygiene in preventing the transmission of illness, and the effective use of the sanitary alternatives and monitoring systems utilized by the public food service establishment, shall be reinforced. The content and duration of this training shall be determined by the manager of the public food service establishment.

(2) A monitoring system to demonstrate the proper and effective use of the sanitary alternatives utilized by the public food service establishment.

8. 3-501.16 shall be amended by adding the following: "Shell eggs shall be received and held at an ambient temperature not to exceed forty-five degrees Fahrenheit or seven degrees Celsius."

9. 3-502.12(A) shall be amended by adding the following: "Packaging of raw meat and raw poultry using an oxygen packaging method, with a thirty-day 'sell by' date from the date it was packaged, shall be exempt from having an HACCP Plan that contains the information required in this section and section 8-201.14."

10. 3-603.11 shall be amended by adding the following: "The following standardized language shall be used on the required consumer advisory: 'Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of food-borne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information.' "

11. A carbonating device in a food establishment shall have a dual check valve which shall be installed so that it is upstream from the carbonating device and downstream from any copper in the water supply line.

12. 3-201.16(B) shall be amended to exclude wild morel mushrooms.

13. 3-501.17 shall be amended to provide that paragraphs (C) and (D) shall not apply to aged cheese.

14. 3-603.11 shall be amended so that the rule shall not apply to whole muscle red meats. 98 Acts, ch 1162, §7, 30; 99 Acts, ch 208, §29 - 32; 2001 Acts, ch 81, §3

### **137F.3 Authority to enforce.**

The director shall regulate, license, and inspect food establishments and food processing plants and enforce this chapter pursuant to rules adopted by the department in accordance with chapter 17A. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments and food processing plants, except as provided in this section.

A municipal corporation may enter into an agreement with the director to provide that the municipal corporation shall license, inspect, and otherwise enforce this chapter within its jurisdiction. The director may enter into the agreement if the director finds that the municipal corporation has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food code pursuant to this section if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 137C.6. However, the department shall license and inspect all food processing plants which manufacture, package, or label food products. A municipal corporation may license and inspect, as authorized by this section, food processing plants whose operations are limited to the storage of food products.

If the director enters into an agreement with a municipal corporation as provided by this section, the director shall provide that the inspection practices of a municipal corporation are spot-checked on a regular basis.

A municipal corporation that is responsible for enforcing this chapter within its jurisdiction pursuant to an agreement shall make an annual report to the director providing the following information:

1. The total number of licenses granted or renewed by the municipal corporation under this chapter during the year.
2. The number of licenses granted or renewed by the municipal corporation under this chapter during the year in each of the following categories:
  - a. Food establishments.
  - b. Food processing plants.
  - c. Mobile food units and pushcarts.
  - d. Temporary food establishments.
  - e. Vending machines.
3. The amount of money collected in license fees during the year.
4. Other information the director requests.

The director shall monitor municipal corporations which have entered into an agreement pursuant to this section to determine if they are enforcing this chapter within their respective jurisdictions. If the director determines that this chapter is not enforced by a municipal corporation, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved.

**137F.4 License required.**

A person shall not operate a food establishment or food processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable. All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date.

98 Acts, ch 1162, §9, 30

**137F.5 Application for license.**

An application form prescribed by the department for a license under this chapter shall be obtained from the department or from a municipal corporation which is a regulatory authority. A completed application shall be submitted to the appropriate regulatory authority.

The dominant form of business shall determine the type of license for establishments which engage in operations covered under both the definition of a food establishment and of a food processing plant.

The regulatory authority where the unit is domiciled shall issue a license for a mobile food unit.

An application for renewal of a license shall be made at least thirty days before the expiration of the existing license.

98 Acts, ch 1162, §10, 30

**137F.6 License fees.**

The regulatory authority shall collect the following annual license fees:

1. For a mobile food unit or pushcart, twenty dollars.
2. For a temporary food establishment per fixed location, twenty-five dollars.
3. For a vending machine, twenty dollars for the first machine and five dollars for each additional machine.
4. For a food establishment which prepares or serves food for individual portion service intended for consumption on-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:
  - a. Annual gross sales of under fifty thousand dollars, fifty dollars.
  - b. Annual gross sales of at least fifty thousand dollars but less than one hundred thousand dollars, eighty-five dollars.
  - c. Annual gross sales of at least one hundred thousand dollars but less than two hundred fifty thousand dollars, one hundred seventy-five dollars.
  - d. Annual gross sales of two hundred fifty thousand dollars but less than five hundred thousand dollars, two hundred dollars.

*e.* Annual gross sales of five hundred thousand dollars or more, two hundred twenty-five dollars.

5. For a food establishment which sells food or food products to consumer customers intended for preparation or consumption off-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

*a.* Annual gross sales of under ten thousand dollars, thirty dollars.

*b.* Annual gross sales of at least ten thousand dollars but less than two hundred fifty thousand dollars, seventy-five dollars.

*c.* Annual gross sales of at least two hundred fifty thousand dollars but less than five hundred thousand dollars, one hundred fifteen dollars.

*d.* Annual gross sales of at least five hundred thousand dollars but less than seven hundred fifty thousand dollars, one hundred fifty dollars.

*e.* Annual gross sales of seven hundred fifty thousand dollars or more, two hundred twenty-five dollars.

6. For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant, as follows:

*a.* Annual gross sales of under fifty thousand dollars, fifty dollars.

*b.* Annual gross sales of at least fifty thousand dollars but less than two hundred fifty thousand dollars, one hundred dollars.

*c.* Annual gross sales of at least two hundred fifty thousand dollars but less than five hundred thousand dollars, one hundred fifty dollars.

*d.* Annual gross sales of five hundred thousand dollars or more, two hundred fifty dollars.

7. For a farmers market where potentially hazardous food is sold or distributed, one seasonal license fee of one hundred dollars for each vendor on a countywide basis.

A food establishment covered by subsections 4 and 5 shall be assessed license fees not to exceed seventy-five percent of the total fees applicable under both subsections.

Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by the municipal corporation for regulation of food establishments and food processing plants licensed under this chapter.

Each vending machine licensed under this chapter shall bear a readily visible identification tag or decal provided by the licensee, containing the licensee's business address and phone number, and a company license number assigned by the regulatory authority.

98 Acts, ch 1162, §11, 30; 2002 Acts, ch 1149, §2, 3; 2003 Acts, ch 108, §128, 132

### **137F.7 Suspension or revocation of licenses.**

The regulatory authority may suspend or revoke a license issued to a person under this chapter pursuant to rules adopted by the department if any of the following occurs:

1. The person's food establishment or food processing plant does not conform to a provision of this chapter or a rule adopted pursuant to this chapter.

2. The person conducts an activity constituting a criminal offense in the food establishment or food processing plant and is convicted of a serious misdemeanor or a more serious offense as a result.



A licensee may appeal a suspension or revocation in accordance with rules adopted by the department.

98 Acts, ch 1162, §12, 30

#### **137F.8 Farmers markets.**

A vendor who offers a product for sale at a farmers market shall have the sole responsibility to obtain and maintain any license required to sell or distribute the product.

98 Acts, ch 1162, §13, 30

#### **137F.9 Operation without inspection prohibited.**

A person shall not open or operate a food establishment or food processing plant until an inspection has been made and a license has been issued by the regulatory authority. Inspections shall be conducted according to standards adopted by rule of the department pursuant to chapter 17A.

A person who opens or operates a food establishment or food processing plant without a license is subject to a penalty of up to twice the amount of the annual license fee.

98 Acts, ch 1162, §14, 30

#### **137F.10 Regular inspections.**

The appropriate regulatory authority shall provide for the inspection of each food establishment and food processing plant in this state in accordance with this chapter and with rules adopted pursuant to this chapter in accordance with chapter 17A. A regulatory authority may enter a food establishment or food processing plant at any reasonable hour to conduct an inspection. The manager or person in charge of the food establishment or food processing plant shall afford free access to every part of the premises and render all aid and assistance necessary to enable the regulatory authority to make a thorough and complete inspection.

98 Acts, ch 1162, §15, 30

#### **137F.11 Inspection upon complaint.**

Upon receipt of a complaint by a customer of a food establishment or food processing plant stating facts indicating the premises are in an unsanitary condition, the regulatory authority may conduct an inspection.

98 Acts, ch 1162, §16, 30

#### **137F.12 Plumbing.**

A food establishment or food processing plant shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code, or local plumbing code, whichever is more stringent. The plumbing system shall have a connection to a municipal water and sewer system or to a benefited water district or sanitary district if such facilities are available.

98 Acts, ch 1162, §17, 30

**137F.13 Water and waste treatment.**

If a food establishment or food processing plant is served by privately owned water or waste treatment facilities, those facilities shall meet the technical requirements of the local board of health and the department of natural resources.

98 Acts, ch 1162, §18, 30

**137F.14 Toilets and lavatories.**

A food establishment or food processing plant shall provide toilet and lavatory facilities in accordance with rules adopted by the department pursuant to this chapter in accordance with chapter 17A.

98 Acts, ch 1162, §19, 30

**137F.15 Fire safety.**

A violation of a fire safety rule adopted pursuant to section 100.35 and applicable to food establishments or food processing plants which occurs on the premises of a food establishment or food processing plant is a violation of this chapter.

98 Acts, ch 1162, §20, 30

**137F.16 Conflicts with state building code.**

Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

98 Acts, ch 1162, §21, 30; 2004 Acts, ch 1086, §40

Section amended

**137F.17 Penalty.**

A person who violates this chapter or rules adopted pursuant to this chapter shall be subject to a civil penalty of one hundred dollars for each violation.

98 Acts, ch 1162, §22, 30

**137F.18 Injunction.**

A person opening or operating a food establishment or food processing plant in violation of this chapter may be enjoined from further operation of the establishment or plant. If an imminent health hazard exists, the establishment or plant must cease operation. Operation shall not be resumed until authorized by the regulatory authority.

98 Acts, ch 1162, §23, 30

**137F.19 Duty of county or city attorney.**

The county attorney in each county or city attorney in each city shall assist in the enforcement of this chapter.

98 Acts, ch 1162, §24, 30

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*INSPECTIONS DIVISION*CHAPTER 30  
FOOD AND CONSUMER SAFETY

**481—30.1(10A) Inspections division’s food and consumer safety bureau.** The inspections division’s food and consumer safety bureau inspects egg handlers, food establishments (retail), food processing establishments (wholesale), food and beverage vending machines, hotels, and food service operations in schools, correctional and penal institutions.

**481—30.2(10A) Definitions.**

*“Baked goods”* means breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits and pies (except meat pies).

*“Bed and breakfast home”* means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time. The facility may advertise as a bed and breakfast home, but not as a hotel, motel or restaurant. The facility is exempt from licensing and inspection as a hotel or as a food establishment. A bed and breakfast home may serve food only to overnight guests, unless a food establishment license is secured.

*“Bed and breakfast inn”* means a hotel which has nine or fewer guest rooms.

*“Boarder”* means a person who rents a room, rooms or apartment for at least a week. A boarder is considered permanent and is not a transient guest.

*“Boarding house”* means a house in which lodging is rented and meals are served to permanent guests. A boarding house is not a food service establishment or hotel unless it rents or caters to transient guests.

*“Commissary”* means a food establishment used for preparing, fabricating, packaging and storage of food or food products for distribution and sale through the food establishment’s own outlets.

*“Contractor”* means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C, 137D or 137F.

*“Criminal offense”* means a public offense, as defined in Iowa Code section 701.2, that is prohibited by statute and is punishable by fine or imprisonment.

*“Department”* means the department of inspections and appeals.

*“Egg handler”* or *“handler”* means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food. An egg handler does not include a food establishment or home food establishment if either establishment obtains eggs from a licensed egg handler or supplier which meets standards referred to in rule 481—31.2(137F). Producers who sell eggs produced exclusively from their own flocks directly to egg handlers or to consumer customers are exempt from regulation as egg handlers.

*“Farmers market”* means a marketplace which operates seasonally as a common market for fresh fruits and vegetables on a retail basis for consumption elsewhere. A person who sells potentially hazardous food (food that is capable of supporting the rapid and progressive growth of toxins) at a farmers market must obtain a license for each county in which the person operates. A license is not required to sell wholesome, fresh shell eggs to consumer customers.

*“Farmers market potentially hazardous food license”* means a license for a temporary food establishment that sells potentially hazardous foods at farmers markets. A separate seasonal farmers market potentially hazardous food license is required for each county in which the licensee sells potentially hazardous foods at farmers markets. The license is only applicable at farmers markets, and is not required to sell wholesome, fresh shell eggs to consumer customers.

*“Food establishment”* means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, the state training school or the Iowa juvenile home. “Food establishment” does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not potentially hazardous.
3. A produce stand or facility which sells only whole, uncut fresh fruits and vegetables.
4. Premises which are a home food establishment pursuant to Iowa Code chapter 137D.
5. Premises which operate as a farmers market.
6. Premises of a residence in which food that is not potentially hazardous is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food.
7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
8. A private home that receives catered or home-delivered food.
9. Child day care facilities and other food establishment facilities located in hospitals or health care facilities which are subject to inspection by other state agencies or divisions of the department.
10. Supply vehicles, vending machine locations or boarding houses for permanent guests.
11. Establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to Iowa Code section 189A.3.
12. Premises covered by a current Class “A” beer permit as provided in Iowa Code chapter 123.
13. Premises covered or regulated by Iowa Code section 192.107 with a milk or milk products permit issued by the department of agriculture and land stewardship.
14. Premises or operations which are regulated by or subject to Iowa Code section 196.3 and which have an egg handler’s license.
15. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.

*“Food processing plant”* means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. “Food processing plant” does not include any of the following:

1. A premises covered by a Class “A” beer permit as provided in Iowa Code chapter 123.
2. A premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.

*“Food service establishment”* means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or subject to Iowa sales tax as provided in Iowa Code section 422.45.

*“Home food establishment”* means a business on the premises of a residence where potentially hazardous bakery goods are prepared for consumption elsewhere. Annual gross sales of these products cannot exceed \$20,000. This term does not include a residence where food is prepared to be used or sold by churches, fraternal societies, or charitable, civic or nonprofit organizations. Residences which prepare or distribute honey, shell eggs or nonhazardous baked goods are not required to be licensed as home food establishments. Home food establishments with annual gross sales of \$1,000 or less in sales of potentially hazardous bakery products are exempt from licensing under Iowa Code section 137D.2, if the food is labeled and the label states that the food comes from a kitchen not under state inspection or licensure and that labeling complies with rule 481—34.3(137D).

*“Hotel”* means any building equipped, used or advertised to the public as a place where sleeping accommodations are rented to temporary or transient guests.

*“License holder”* means an individual, corporation, partnership, governmental unit, association or any other entity to whom a license was issued under Iowa Code chapter 137C, 137D or 137F.

*“Mobile food unit”* means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

*“Panned candies”* are those with a fine hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

*“Potentially hazardous food”* means a food that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the growth and toxin production of clostridium botulinum. “Potentially hazardous food” includes an animal food that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures. “Potentially hazardous food” does not include the following:

1. An air-cooled hard-boiled egg with shell intact.
2. A food with a water activity value of 0.85 or less.
3. A food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 24 degrees Centigrade or 75 degrees Fahrenheit.
4. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.

*“Pushcart”* means a non-self-propelled vehicle food establishment limited to serving nonpotentially hazardous foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

*“Retail food establishment”* means a food establishment that sells food or food products to consumer customers intended for preparation or consumption off the premises.

*“Revoke”* means to void or annul by recalling or withdrawing a license issued under Iowa Code chapter 137C, 137D or 137F. The entire application process, including the payment of applicable license fees, must be repeated to regain a valid license following a revocation.

*“Salvage food”* means food from truck wrecks, fires, tornadoes or other disasters which involve food products.

*“Suspend”* means to render a license issued under Iowa Code chapter 137C, 137D, 137F or 196 invalid for a period of time, with the intent of resuming the validity of a license at the end of that period.

*“Temporary food establishment”* means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

*“Transient guest”* means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is not classified as a transient guest.

*“Vending machine”* means a food establishment which is a self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machines that dispense only prepackaged, nonpotentially

hazardous foods, panned candies, gumballs or nuts are exempt from licensing, but may be inspected by the department upon receipt of a written complaint.

**481—30.3(137C,137D,137F,196) Licensing.** A license to operate any of the above must be granted by the department of inspections and appeals. Application for a license is made on a form furnished by the department which contains the names of the business, owner, and manager; location of buildings; or other data relative to the license requested. Applications are available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

**30.3(1)** A license is not transferable. Licenses are not refundable unless the license is surrendered to the department prior to the effective date of the license.

**30.3(2)** A license is renewable and expires after one year.

**30.3(3)** A valid license shall be posted no higher than eye level where the public can see it. Vending machines shall bear a tag to affirm the license.

**\*30.3(4)** Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market potentially hazardous food license may be used in the same county at different individual locations without obtaining a new license. Multiple locations operated simultaneously each require a separate license. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

**30.3(5)** The regulatory authority may require documentation from a license holder of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing establishment. The documentation submitted by the license holder will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. Documentation shall include at least one of the following:

- a.* A copy of the firm's business tax return;
- b.* Quarterly sales tax data;
- c.* A letter from an independent tax preparer;
- d.* Other appropriate records.

This rule is intended to implement Iowa Code sections 10A.502(2), 137C.8, 137D.2 and 137F.4 to 137F.6 as amended by 2002 Iowa Acts, House File 2620.

**481—30.4(137C,137D,196) License fees.** The license fee is the same for an initial license and a renewal license. Licenses expire one year from the date of issuance, except for temporary food establishments. Applications for licenses are available from the Department of Inspections and Appeals, Inspections Division, Lucas State Office Building, Des Moines, Iowa 50319-0083; or from a contracting local health department. License fees are set by the Iowa Code sections listed below and charged as follows:

**30.4(1)** Retail food establishments are based on annual gross sales of food or food products to consumer customers intended for preparation or consumption off the premises (Iowa Code section 137F.6) as follows:

- a.* For annual gross sales of less than \$10,000—\$30;
- b.* For annual gross sales of \$10,000 to \$250,000—\$75;
- c.* For annual gross sales of \$250,000 to \$500,000—\$115;
- d.* For annual gross sales of \$500,000 to \$750,000—\$150;
- e.* For annual gross sales of \$750,000 or more—\$225.

**30.4(2)** Food service establishments are based on annual gross sales of food and drink for individual portion service intended for consumption on the premises (Iowa Code section 137F.6) or subject to Iowa sales tax as provided in Iowa Code section 422.45 as follows:

- a.* For annual gross sales of less than \$50,000—\$50;
- b.* For annual gross sales of \$50,000 to \$100,000—\$85;

- c. For annual gross sales of \$100,000 to \$250,000—\$175;
- d. For annual gross sales of \$250,000 to \$500,000—\$200;
- e. For annual gross sales of \$500,000 or more—\$225.

\*Objection imposed by the Administrative Rules Review Committee at its meeting held September 10, 2002; objection filed September 23, 2002. See text of Objection at the end of this chapter.

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IAC 6/26/02, 10/2/02

**30.4(3)** Food and beverage vending machines, \$20 for the first machine and \$5 for each additional machine (Iowa Code section 137F.6).

**30.4(4)** Home food establishments, \$25 (Iowa Code section 137D.2(1)).

**30.4(5)** Hotels are based on the number of rooms provided to transient guests (Iowa Code section 137C.9) as follows:

- a. For 1 to 15 guest rooms—\$20;
- b. For 16 to 30 guest rooms—\$30;
- c. For 31 to 75 guest rooms—\$40;
- d. For 76 to 149 guest rooms—\$50;
- e. For 150 or more guest rooms—\$75.

**30.4(6)** Mobile food unit or pushcart, \$20 (Iowa Code section 137F.6).

**30.4(7)** Temporary food service establishments issued for up to 14 consecutive days in conjunction with a single event or celebration, \$25 (Iowa Code section 137F.6).

A temporary food establishment license for a temporary food establishment located in a farmers market is valid at that site until December 31, 2001, provided the food establishment does not operate more than 14 consecutive days at this location. This paragraph will expire as of January 1, 2002.

**30.4(8)** For food processing plants, the annual license fee is based on the annual gross sales of food and food products handled at that plant or warehouse (Iowa Code section 137F.6) as follows:

- a. Annual gross sales of less than \$50,000—\$50;
- b. Annual gross sales of \$50,000 to \$250,000—\$100;
- c. Annual gross sales of \$250,000 to \$500,000—\$150;
- d. Annual gross sales of \$500,000 or more—\$250.

**30.4(9)** Egg handlers are based on the total number of cases of eggs purchased or handled during the month of April (Iowa Code section 196.3) as follows:

- a. For less than 125 cases—\$15;
- b. For 125 to 249 cases—\$35;
- c. For 250 to 999 cases—\$50;
- d. For 1,000 to 4,999 cases—\$100;
- e. For 5,000 to 9,999 cases—\$175;
- f. For 10,000 or more cases—\$250.

For the purpose of determining fees, each case shall be 30 dozen eggs.

**\*30.4(10)** Pursuant to 2002 Iowa Acts, House File 2620, section 2, a person selling potentially hazardous food at a farmers market must pay an annual license fee of \$100 for each county of operation. Persons who operate simultaneously at more than one location within a county are required to have a separate license for each location.

#### **481—30.5(137F) Penalty and delinquent fees.**

**30.5(1)** Food establishment licenses and food processing plant licenses that are renewed by the licensee after the license expiration date shall be subject to a penalty of 10 percent of the license fee per month.

**30.5(2)** A person who opens or operates a food establishment or food processing plant without a license is subject to a penalty of up to twice the amount of the annual license fee.

**30.5(3)** A person who violates Iowa Code chapter 137F or these rules shall be subject to a civil penalty of \$100 for each violation. Prior to the assessment of any civil penalties, a hearing conducted by the appeals division in the department of inspections and appeals must be provided as required in rule 481—30.13(10A).



This rule is intended to implement Iowa Code sections 137F.4, 137F.9 and 137F.17.

\*Objection imposed by the Administrative Rules Review Committee at its meeting held September 10, 2002; objection filed September 23, 2002. See text of Objection at the end of this chapter.

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IAC 6/26/02

**481—30.6(137C,137D,137F,196) Returned checks.** If a check intended to pay for any license provided for under Iowa Code chapters 137C, 137D, 137F or 196, is not honored for payment by the bank on which it is drafted, the department will attempt to redeem the check. The department will notify the applicant of the need to provide sufficient payment. An additional fee of \$25 shall be assessed for each dishonored check. If the department does not receive cash to replace the check, the establishment will be operating without a valid license.

**481—30.7(137F) Double licenses.**

**30.7(1)** Any establishment which holds a food service establishment license and has gross sales over \$20,000 annually in packaged food items intended for consumption off the premises shall also be required to obtain a retail food establishment license.

The license holder shall keep a record of these food sales and make it available to the department upon request.

**30.7(2)** A retail food establishment and a food service establishment which occupy the same premises must be licensed separately and the applicable fees paid. The license fee for each is based on only the annual gross sales of food and drink covered under the scope of that particular type of license.

**30.7(3)** A food establishment that is licensed both with a food service establishment license and a retail food establishment license shall pay 75 percent of the license fees required in subrules 30.4(1) and 30.4(2).

**30.7(4)** Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment need only obtain a retail food establishment license.

**30.7(5)** A temporary food establishment license is not required when the temporary food establishment is owned and operated on the premises of a licensed food establishment.

**30.7(6)** The dominant form of business in annual gross sales shall determine the type of license for establishments which engage in operations covered under both the definition of a food establishment and a food processing plant. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license.

**30.7(7)** A licensed mobile food unit that operates as a licensed mobile food unit at a farmers market is not required to obtain a separate farmers market potentially hazardous food license.

This rule is intended to implement Iowa Code sections 10A.502 and 137F.6 as amended by 2002 Iowa Acts, House File 2620.

**481—30.8(137C,137D,137F) Inspection frequency.**

**30.8(1)** Food establishments shall be inspected at an interval specified in Section 8-401.10 of the Food Code Recommendations of the Food and Drug Administration. Food service operations in schools, summer camps, assisted living facilities, residential service substance abuse treatment facilities, halfway house substance abuse treatment facilities, correctional facilities operated by the department of corrections, the state training school, and the Iowa juvenile home shall be inspected at least once annually.

**30.8(2)** Food processing plants shall be inspected at least annually.

**30.8(3)** Hotels shall be inspected at least once biennially.

**30.8(4)** Home food establishments and vending machine license holders shall be inspected at least once annually.

**30.8(5)** Egg handlers shall be inspected at least once annually.

**30.8(6)** Farmers market potentially hazardous food licensees shall be inspected at least annually.

This rule is intended to implement Iowa Code sections 137C.11, 137D.2, 137F.2 and 196.2.

**481—30.9(137D,137F,196) Disposal standards.** Standards in the 1984 edition of the “Model Food Salvage Code” are used to regulate the disposal of salvaged or distressed merchandise. A copy is available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

**481—30.10(137C,137D,137F) Local contracts.** The department may contract with municipal corporations to inspect and collect license fees from any establishment covered by these rules. Inspections shall be pursuant to 481—Chapters 30, 31 and 37. A list of contracts is available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

This rule is intended to implement Iowa Code section 137F.3.

**481—30.11(22) Examination of records.** Information collected by the inspections division is considered public information. Records are stored in computer files and are not matched with any other data system. Information is available for public review and will be provided when requested from the office of the director.

**481—30.12(137C,137D,137F,196) Denial, suspension or revocation of a license to operate.** Notice of denial, suspension or revocation of a license will be provided by the department and shall be effective 30 days after mailing or personal service of the notice.

**481—30.13(10A) Formal hearing.** All decisions of the bureau may be contested by an adversely affected party. Request for a hearing must be made in writing to the Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319, within 30 days of the mailing or service of a decision. Appeals and hearings are controlled by 481—Chapter 10, “Contested Case Hearings.”

**30.13(1)** The proposed decision of the administrative law judge becomes final 30 days after it is mailed.

**30.13(2)** Any request for administrative review of a proposed decision must:

*a.* Be made in writing;

*b.* Be filed with the director of the department of inspections and appeals within 30 days after the proposed decision was mailed to the aggrieved party (date of receipt by personal service or the postmarked date is time of filing);

*c.* State the reason(s) for the request.

**30.13(3)** The decision of the director shall be based upon the record and becomes final agency action upon mailing.

**481—30.14(137D,137F,196) False label or defacement.** No person shall use any label required by Iowa Code chapter 137C, 137F or 196 which is deceptive as to the true nature of the article or place of production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by these chapters.

This rule is intended to implement Iowa Code section 137F.3.

These rules are intended to implement Iowa Code sections 10A.104, 10A.502 and 22.11 and Iowa Code chapters 137C, 137D, 137F as amended by 2002 Iowa Acts, House File 2620, and 196.

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### OBJECTION

At its September 10, 2002, meeting the Administrative Rules Review Committee voted to object to the provisions of ARC 1760B, items three and four, on the grounds those items exceed the authority of the Department of Inspections and Appeals. The committee also objects to the “emergency” adoption and implementation of these provisions.

Committee members felt that a notice of intended action would have provided an opportunity to discuss and resolve these issues before the licensing provisions were implemented.

These provisions implement 2002 Iowa Acts, House File 2620, creating a special license for vendors at farmers markets. Section two of the Act states:

*For a farmers market where potentially hazardous food is sold or distributed, one seasonal license fee of one hundred dollars for each vendor on a countywide basis.*

It is the opinion of the committee this provision means that a vendor may simultaneously operate a number of stands at a number of locations within a single county for a single fee. Members felt the phrase “countywide basis” evidenced a legislative intent that the vendor could operate anywhere within that county at any time. The interpretation set out in ARC 1760B would require a separate license for each separate farmers market where the vendor simultaneously operates.

This action is taken pursuant to the authority of Iowa Code §17A.4. The effect of this objection is to terminate the emergency filing 180 days after this objection is filed.

Objection filed September 23, 2002.

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## CHAPTER 31

FOOD ESTABLISHMENT AND FOOD  
PROCESSING PLANT INSPECTIONS

[Prior to 8/26/87, see Inspections and Appeals Department[481]—Chs 21 and 22]

**481—31.1(137F) Inspection standards.** Standards in the 1997 edition of the Food Code Recommendations of the Food and Drug Administration are used to inspect all food establishments. Exceptions to the Code are as follows:

**31.1(1)** Subparagraph 1-201.10(B)(31) and Section 3-403.10 are deleted.

**31.1(2)** Food prepared in a home food establishment, licensed under Iowa Code section 137D.2, can be offered for sale.

**31.1(3)** Paragraph 3-301.11(b) is changed to read:

*a.* Except when washing fruits and vegetables, food employees should, to the extent practicable, avoid contact with exposed, ready-to-eat food with their bare hands. Where food is routinely handled by employees, employers should adopt reasonable sanitary procedures to reduce the risk of the transmission of pathogenic organisms.

*b.* In seeking to minimize employee's physical contact with ready-to-eat foods, no single method or device is universally practical or necessarily the most effective method to prevent the transmission of pathogenic organisms in all situations. As such, each public food service establishment shall review its operations to identify procedures where ready-to-eat food must be routinely handled by its employees and adopt one or more of the following sanitary alternatives, to be used alone or in combination, to prevent the transmission of pathogenic organisms:

(1) The use of suitable food handling materials including, but not limited to, deli tissues, appropriate utensils, or dispensing equipment. Such materials must be used in conjunction with thorough handwashing practices in accord with subparagraph (3).

(2) Single-use gloves, for the purpose of preparing or handling ready-to-eat foods, shall be discarded when damaged or soiled or when the process of food preparation or handling is interrupted.

Single-use gloves must be used in conjunction with thorough hand-washing practices in accord with subparagraph (3).

(3) The use, pursuant to the manufacturer's instructions, of anti-microbial soaps, with the additional optional use of anti-bacterial protective skin lotions or anti-microbial hand sanitizers, rinses or dips. All such soaps, lotions, sanitizers, rinses and dips must contain active topical anti-microbial or anti-bacterial ingredients, registered by the United States Environmental Protection Agency, cleared by the United States Food and Drug Administration, and approved by the United States Department of Agriculture.

(4) The use of such other practices, devices, or products that are found by the division to achieve a comparable level of protection to one or more of the sanitary alternatives in subparagraphs (1) through (3).

*c.* Regardless of the sanitary alternatives in use, each public food service establishment shall establish:

(1) Systematic focused education and training of all food service employees involved in the identified procedures regarding the potential for transmission of pathogenic organisms from contact with ready-to-eat food. The importance of proper hand washing and hygiene in preventing the transmission of illness, and the effective use of the sanitary alternatives and monitoring system utilized by the public food service establishment, shall be reinforced. The content and duration of this training shall be determined by the manager of the public food service establishment.

(2) A monitoring system used to demonstrate the proper and effective use of sanitary alternatives utilized by the public food service establishment.

**31.1(4)** Section 3-501.16 shall be amended by adding the following: "Shell eggs shall be received and held at an ambient temperature not to exceed forty-five degrees Fahrenheit or seven degrees Celsius."

**31.1(5)** Paragraph 3-502.12(A) shall be amended by adding the following: “Packaging of raw meat and raw poultry using an oxygen packaging method, with a 30-day ‘sell by’ date from the date it was packaged, shall be exempt from having a HACCP Plan that contains the information required in this section and Section 8-201.14.”

**31.1(6)** Section 3-603.11 shall be amended by adding the following: “The following standardized language shall be used on the required consumer advisory: ‘Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of food-borne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information.’”

**31.1(7)** Section 5-203.15 shall be amended so that a carbonating device in a food establishment shall have a dual check valve which shall be installed so that it is upstream from the carbonating device and downstream from any copper in the water supply line.

**31.1(8)** Section 2-301.15 shall be amended by adding the following: “Establishments originally licensed prior to the effective date of this law, January 1, 1999, where a combination sink was approved by the department of inspections and appeals for both hand washing and use as a service sink can use this combination sink for both hand washing and as a service sink for the disposal of mop water as long as the establishment is not remodeled.”

**31.1(9)** Section 5-203.13 is amended so that food service establishment license holders for establishments built prior to January 1, 1979, are not required to have a service or utility sink for the disposal of mop water unless the establishment is remodeled.

**31.1(10)** Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments.

**31.1(11)** Section 5-203.14 is amended by adding the following: “Water outlets with hose attachments, except for water heater drains and clothes washer connections, shall be protected by a nonremovable hose bibb backflow preventer or by a listed atmospheric vacuum breaker installed at least six inches above the highest point of usage and located on the discharge side of the last valve.”

**31.1(12)** Paragraph 5-402.11(C) is amended by adding the following: “A culinary sink or sink used for food preparation shall not have a direct connection between the sewage system and a drain originating from that sink. Culinary sinks or sinks used in food preparation shall be separated by an air gap of not less than one inch between the outlet and the rim of the floor sink or receptor.”

**31.1(13)** Paragraph 4-301.12(C) is amended by adding the following: “Establishments need not have a three-compartment sink when each of the following conditions is met:

1. Three or fewer utensils are used for food preparation;
2. Utensils are limited to tongs, spatulas and scoops;
3. The department has approved after verification that the establishment can adequately wash and sanitize these utensils.”

**31.1(14)** Paragraph 3-201.16(B) shall be amended to permit wild morel mushrooms to be sold in food establishments.

**31.1(15)** Paragraphs 3-501.17(C) and (D) shall be amended so that aged cheese is not required to be date-marked.

**31.1(16)** Section 3-603.11 shall be amended so that a consumer advisory is not required when a food establishment serves undercooked whole muscle red meats.

**31.1(17)** Section 3-201.11 is amended to allow honey which is stored; prepared, including by placement in a container; or labeled on or distributed from the premises of a residence to be sold in a food establishment.

#### **481—31.2(137F) Food processing plant standards.**

1. Standards used to inspect establishments where wholesale food is manufactured, processed, packaged or stored are found in the Code of Federal Regulations in 21 CFR, Part 110, April 1, 1998, publication, “Current Good Manufacturing Practices in Manufacturing, Processing, Packing or Holding Human Food.”

2. Standards used to inspect establishments where bakery products, flour, cereals, food dressings and flavorings are manufactured on a wholesale basis are found in the Code of Federal Regulations, in 21 CFR, Parts 136, 137 and 169, April 1, 1998, publication.

3. Standards used to inspect establishments which process low-acid food in hermetically sealed containers are found in 21 CFR, Part 113, April 1, 1998, "Thermally Processed Low-Acid Food Packaged in Hermetically Sealed Containers."

4. Standards used to inspect establishments which process acidified foods are found in 21 CFR, Part 114, April 1, 1998, "Acidified Foods."

5. Standards used to inspect establishments which process bottled drinking water are found in the Code of Federal Regulations in 21 CFR, Parts 129 and 165, April 1, 1998, publication, "Processing and Bottling of Bottled Drinking Water" and "Beverages."

6. In addition to compliance with 31.2"1," manufacturers of packaged ice must comply with the following:

- Equipment must be cleaned on a schedule of frequency that prevents the accumulation of mold, fungus and bacteria. A formal cleaning program and schedule which includes the use of sanitizers to eliminate micro-organisms must be developed and used.

- Packaged ice must be tested every 120 days for the presence of bacteria.

- Plants that use a non-public water system must sample the water supply monthly for the presence of bacteria and annually for chemical and pesticide contamination.

Copies of these regulations are available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

**481—31.3(137F) Trichinae control for pork products prepared at retail.** Pork products prepared at retail shall comply with the Code of Federal Regulations found in 9 CFR, Section 318.10, January 1, 1998, publication, regarding the destruction of possible live trichinae in pork and pork products. Examples of pork products that require trichinae control include raw sausages containing pork and other meat products, raw breaded pork products, bacon used to wrap around steaks and patties, and uncooked mixtures of pork and other meat products contained in meat loaves and similar types of products. The use of "certified pork" as authorized by the department of agriculture and land stewardship or the United States Department of Agriculture, Food Safety and Inspection Service shall meet the requirements of this rule.

**481—31.4(137F) Demonstration of knowledge.** Section 2-102.11 shall be amended by adding the following: "Completion of a certification program, as defined in 481—Chapter 32, by the person in charge who has shown proficiency of the required information through passing a test that is part of an approved program. The certification program has been reviewed by the department as meeting the requirements in 481—Chapter 32."

**481—31.5(137F) Labeling.** The following labeling standards are required in addition to those in the Food Code. Labels on or with packaged foods shall be in legible English and state:

1. The true name, brand or trademark of the article;

2. The names of all ingredients in the food, beginning with the one present in the largest proportion and in descending order of predominance;

3. The quantity of the contents in terms of weight, measure or numerical count;

4. The name and address of the manufacturer, packer, importer, distributor or dealer.

Foods and food products labeled in conformance with the labeling requirements of the government of the United States as listed in the Code of Federal Regulations in 21 CFR, April 1, 1998, publication, Parts 101 and 102, are considered in compliance with the Iowa labeling law.



**481—31.6(137F) Adulterated food and disposal.** No one may produce, distribute, offer for sale or sell adulterated food. “Adulterated” is defined in the federal Food, Drug and Cosmetic Act, Section 402. Adulterated food shall be disposed of in a reasonable manner as determined by the department. The destruction of adulterated food shall be watched by a person approved by the department.

**481—31.7(137F) Mobile food units/pushcarts.** In addition to the Food Code provisions outlined in the FDA Food Code Mobile Food Establishment Matrix, mobile food units/pushcarts must comply with the following:

**31.7(1) Licenses.** All mobile food units/pushcarts must be licensed by the department. Applications for licenses are available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. The unit shall be inspected by a representative of the department and determined to be in compliance with the rules and regulations of the department prior to the granting of the license.

**31.7(2) Personnel.**

a. The person in charge shall take appropriate action to ensure that no person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a mobile food unit/pushcart in any capacity in which there is a likelihood of the person’s contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. The person in charge shall require food employee applicants and food employees to report information about the employee’s health and activities as they relate to diseases transmissible through food.

b. Employees shall have clean garments, aprons and effective hair restraints. Smoking, eating or drinking in the mobile food unit/pushcart is not allowed. All unauthorized persons are to be kept out of the mobile food unit/pushcart.

c. All employees shall be under the direction of the person in charge. The person in charge shall ensure that workers are effectively cleaning their hands, that potentially hazardous food is adequately cooked, held or cooled, and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.

**31.7(3) Food.**

a. *Approved food source.* All food supplies shall come from a commercial manufacturer or a source that complies with both state and federal laws. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant is prohibited.

b. *Food preparation.* Unless washing fruits and vegetables, food employees shall, to the extent practicable, avoid direct, bare-hand contact with ready-to-eat food. All establishments shall train food employees on the need and public health reasons for adequate hand washing and personal hygiene. The person in charge shall monitor employee hand-washing practices to ensure that employees are effectively cleaning their hands. One of the following alternatives shall be used by food employees when handling ready-to-eat food:

(1) Single-use gloves, utensils, deli tissue, spatulas, tongs or dispensing equipment; or

(2) An approved antibacterial soap with all operations that permit limited bare-hand contact with ready-to-eat food.

c. *Date marking.* All ready-to-eat foods that are potentially hazardous shall be date-marked, if held more than 24 hours, and discarded after seven days if the food is kept at an internal temperature of 41/F or below.

d. *Food protection.* All food shall be covered and stored off the floor. Condiments such as ketchup, mustard, coffee creamer and sugar shall be served in individual packets or from squeeze containers or pump bottles. Milk shall be dispensed from the original container or from an approved dispenser. Ice used as a food or a cooling medium shall be made of drinking water and be manufactured in an approved source. Fruits and vegetables must be washed before being used or sold. All food shall be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means. All cooking and serving areas shall be adequately protected from contamination.

*e. Consumer advisory requirement.* If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) shall post the following language as a consumer advisory: "Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of food-borne illness. Individuals with certain health conditions may be at a higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information."

*f. Food storage location.* During operation, food shall not be displayed or stored in or served from any place other than the licensed mobile food unit/pushcart.

**31.7(4) Food temperature requirements.**

*a. Cooking temperatures.* As specified in the following chart, the minimum cooking temperatures for food products are:

165/F	<ul style="list-style-type: none"> <li>• Poultry and game animals that are not commercially raised</li> <li>• Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite</li> <li>• All products cooked in a microwave oven</li> </ul>
155/F	<ul style="list-style-type: none"> <li>• Pork, rabbits, ratite and game meats that are commercially raised</li> <li>• Ground or comminuted (such as hamburgers) meat/fish products</li> <li>• Raw shell eggs not prepared for immediate consumption</li> </ul>
145/F	<ul style="list-style-type: none"> <li>• Raw shell eggs prepared for immediate consumption</li> <li>• Fish and other meat products not requiring a 155/F or 165/F cooking temperature as listed above</li> </ul>

*b. Cold storage.* Refrigeration units shall be provided to keep potentially hazardous foods at 41/F or below.

*c. Hot storage.* Hot food storage units shall be used to keep potentially hazardous food at 140/F or above. Steam tables or other hot holding devices are not allowed to heat foods and are only to be used for hot holding after foods have been adequately cooked.

*d. Thermometers.* Cold food storage units shall have a numerically scaled thermometer to measure the air temperature of the mobile food unit/pushcart accurately. A metal stem thermometer shall be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0/F to 220/F.

**31.7(5) Equipment requirements.**

*a.* Mobile food units that handle unpackaged food shall have a three-compartment warewashing sink or have daily access to a three-compartment sink located in another licensed establishment, where utensils can be adequately washed and sanitized. The warewashing sink shall be large enough for complete immersion of the utensils and have an adequate means to heat the water required to wash, rinse and sanitize utensils or food-contact equipment.

*b.* Chlorine bleach or another approved sanitizer shall be provided for warewashing sanitization and wiping cloths. An appropriate test kit shall be provided to check the concentration of the sanitizer used. The person in charge shall demonstrate knowledge in the determination of the proper concentration of sanitizer to be used.

*c.* A hand-washing sink, equipped with pressurized hot and cold running water, shall be installed on all mobile food units/pushcarts that handle unpackaged food. The sinks must have a hand cleanser and sanitary towels.

*d.* Wiping cloths shall be stored in a clean, 100 ppm chlorine sanitizer solution or equivalent. Sanitizing solution shall be changed as needed to maintain the solution in a clean condition.

*e.* Mobile food units/pushcarts shall provide only single-service articles for use by the consumer.

*f.* All equipment, utensils, food preparation and food-contact surfaces, including the interior of cabinets or storage compartments, shall be safe, smooth, durable, nonabsorbent and easily cleanable.

**31.7(6) Water supply and sewage.**

*a. Safe water supply.* An adequate supply of clean water (potable) shall be provided from an approved source.

*b. Water supply tanks.* Standards for water supply tanks are as follows:

- (1) Materials shall be safe, durable and easily cleanable.
- (2) The water supply tank shall be sloped to drain at a discharge outlet that allows complete drainage of the tank.
- (3) An access port for inspection and cleaning shall open at the top of the tank, flanged upward at least one-half inch and equipped with a secure port cover, which is sloped to drain.
- (4) A fitting with V-type threads is allowed only when the hose is permanently attached.
- (5) If provided, a water tank vent shall end in a downward direction and be covered with 16 mesh when the vent is not exposed to dust or debris or with a protective filter when the vent is exposed to dust or debris.
- (6) The tank and its inlet and outlet shall be sloped to drain. The inlet shall be designed so that it is protected from waste discharge, dust, oil or grease.
- (7) Hoses used shall be safe and durable, have smooth interior surfaces and be clearly identified as to their use for drinking water.
- (8) A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and the drinking water system.
- (9) The water inlet, outlet or hose shall be equipped with a cap and keeper chain or other adequate protective device. This device must be attached when the system is not in use.
- (10) The water tank, pump and hoses shall be flushed and sanitized before being placed into service after construction, repair, modification or periods of nonuse.
- (11) Water supply systems shall be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, shall be maintained and adequate for their intended purpose.
- (12) The water supply tank, pump and hoses shall be used to convey drinking water and shall be used for no other purpose.

*c. Wastewater disposal.* The sewage holding tank shall be 15 percent larger in volume than the water supply tank and shall be sloped to drain. The drain hose (1 inch) shall be larger than the supply hose ( $\frac{3}{4}$  inch). Liquid waste shall be removed at an approved servicing area. The liquid waste retention tank shall be thoroughly flushed and drained during the servicing operation. Wastewater shall be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

**31.7(7) Physical facility.**

*a. Floors, walls and ceilings.* Floors, walls and ceilings shall be designed, constructed and installed so they are smooth and easily cleanable. Exterior surfaces shall be weather-resistant materials. The mobile food unit/pushcart shall be designed and maintained so that outer openings are protected against the entrance of insects and rodents.

*b. Lighting.* Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shielded.

*c. Garbage containers.* An adequate number of cleanable containers shall be provided.

*d. Toilet rooms.* An adequate number of approved toilet and hand-washing facilities shall be provided in the area.

*e. Clothing.* Personal clothing and belongings shall be stored at a designated place, adequately separated from food preparation, food service and dishwashing areas.

**31.7(8) Toxic materials.**

*a.* Only those toxic items necessary for the operation of the mobile food unit/pushcart shall be maintained or used.

*b.* Toxic materials and poisonous materials shall bear the manufacturer's label. Working containers of toxic items shall be identified with the common name of the material.

c. Toxic materials and poisons shall be adequately separated from food, equipment, utensils, linens, and single-service and single-use items.

d. Only those toxic materials or poisons permitted by law in food establishments shall be used. These materials shall be used according to the manufacturer's use instructions.

**31.7(9) Servicing.** Servicing areas shall be provided with overhead protection except those areas for the loading of water or discharge of sewage or liquid waste. The mobile food unit/pushcart may operate up to three days at one location, if adequate facilities are maintained for cleaning and servicing, or the unit must report to a home base of operation each day.

**481—31.8(137F) Enforcement.** A person who violates Iowa Code chapter 137F or these rules shall be subject to a civil penalty of \$100 for each violation. Prior to the assessment of any civil penalties, a hearing conducted by the appeals division in the department of inspections and appeals must be provided as required in rule 481—30.13(10A). Additionally, the department may employ various other remedies if violations are discovered:

1. A license may be revoked or suspended.
2. An injunction may be sought.
3. A case may be referred to a county or city attorney for criminal prosecution.

**481—31.9(137F) Toilets and lavatories.**

**31.9(1)** Retail food establishment license holders. Toilets and lavatories shall be well lighted and available to employees and patrons at all times. Retail food establishments built or remodeled after July 1, 1986, shall be electrically vented to the outside of the building.

**31.9(2)** Food service establishment license holders.

a. Toilets and lavatories shall be well lighted and available to employees and patrons at all times. Establishments built or remodeled after January 1, 1979, shall be electrically vented to the outside of the building. On-site restrooms are not required in the licensed premises when the licensed premises does not have on-site seating, and restrooms in the mall or shopping center are convenient and available to patrons and employees at all times.

b. Separate toilet facilities for men and women shall be provided in:

- (1) Places built or remodeled after January 1, 1979, which seat 50 or more people, or
- (2) All places built or remodeled after January 1, 1979, which serve beer or alcoholic beverages.

**481—31.10(137F) Warewashing sinks in establishments serving alcoholic beverages.** When alcoholic beverages are served in a food service establishment, a sink with not fewer than three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. When food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils.

**481—31.11(137F) Criminal offense—conviction of license holder.**

**31.11(1)** The department may revoke the license of a license holder who:

- a. Conducts an activity constituting a criminal offense in the licensed food establishment; and
- b. Is convicted of a felony as a result.

**31.11(2)** The department may suspend or revoke the license of a license holder who:

- a. Conducts an activity constituting a criminal offense in the licensed food establishment; and
- b. Is convicted of a serious misdemeanor or aggravated misdemeanor as a result.

**31.11(3)** A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the license holder.

**31.11(4)** The department's decision to revoke or suspend a license may be contested by the adversely affected party pursuant to the provisions of 481—30.13(10A).

**481—31.12(137F) Temporary food establishments and farmers market potentially hazardous food licensees.****31.12(1) Personnel.**

- a. Employees shall keep their hands and exposed portions of their arms clean.
- b. Employees shall have clean garments, aprons and effective hair restraints. Smoking, eating or drinking in food booths is not allowed. All nonworking, unauthorized persons are to be kept out of the food booth.
- c. All employees, including volunteers, shall be under the direction of the person in charge. The person in charge shall ensure that the workers are effectively cleaning their hands, that potentially hazardous food is adequately cooked, held or cooled and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.
- d. Employees and volunteers shall not work in a mobile food unit/pushcart if they have open cuts, sores or communicable diseases. The person in charge shall take appropriate action to ensure that employees and volunteers who have a disease or medical condition transmissible by food are excluded from the food operation.
- e. All employees and volunteers must sign a logbook with the employee's or volunteer's name, address, telephone number and the date and hours worked. The logbook must be maintained for 30 days by the person in charge and be made available to the department upon request.

**31.12(2) Food handling and service.**

- a. *Dry storage.* All food, equipment, utensils and single-service items shall be stored off the ground and above the floor on pallets, tables or shelving.
- b. *Cold storage.* Refrigeration units shall be provided to keep potentially hazardous foods at 41/F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of less hazardous food or the use of such a container at events of short duration if the container maintains the temperature at 41/F or below.
- c. *Hot storage.* Hot food storage units shall be used to keep potentially hazardous food at 140/F or above. Electrical equipment is required for hot holding, unless the use of propane stoves and grills capable of holding the temperature at 140/F or above is approved by the department. Sterno cans are allowed for hot holding if adequate temperatures can be maintained. Steam tables or other hot holding devices are not allowed to heat foods and are to be used only for hot holding after foods have been adequately cooked.
- d. *Cooking temperatures.* As specified in the following chart, the minimum cooking temperatures for food products are:

165/F	<ul style="list-style-type: none"> <li>• Poultry and game animals that are not commercially raised</li> <li>• Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite</li> <li>• All products cooked in a microwave oven</li> </ul>
155/F	<ul style="list-style-type: none"> <li>• Pork, rabbits, ratite and game meats that are commercially raised</li> <li>• Ground or comminuted (such as hamburgers) meat/fish products</li> <li>• Raw shell eggs not prepared for immediate consumption</li> </ul>
145/F	<ul style="list-style-type: none"> <li>• Raw shell eggs prepared for immediate consumption</li> <li>• Fish and other meat products not requiring a 155/F or 165/F cooking temperature as listed above</li> </ul>

- e. *Consumer advisory requirement.* If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) shall post the following language as a consumer advisory:

“Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of food-borne illness. Individuals with certain health conditions may be at a higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information.”

*f. Thermometers.* Each refrigeration unit shall have a numerically scaled thermometer to measure the air temperature of the unit accurately. A metal stem thermometer shall be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0/F to 220/F.

*g. Food display.* Foods on display must be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar shall be served in individual packets or from squeeze containers or pump bottles. Milk shall be dispensed from the original container or from an approved dispenser. All fruits and vegetables must be washed before being used or sold. Food must be stored at least six inches off the ground. All cooking and serving areas shall be adequately protected from contamination. Barbeque areas shall be roped off or otherwise protected from the public. All food shall be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

*h. Food preparation.* Unless washing fruits and vegetables, food employees shall, to the extent practicable, avoid direct, bare-hand contact with ready-to-eat food. Establishments shall train food employees on the need and public health reasons for adequate hand washing and personal hygiene. The person in charge shall monitor employee hand-washing practices to ensure that employees are effectively cleaning their hands. One of the following alternatives shall be used by food employees when handling ready-to-eat food:

- (1) Single-use gloves, utensils, deli tissue, spatulas, tongs or dispensing equipment; or
- (2) An approved antibacterial soap with all operations that permit limited bare-hand contact with ready-to-eat foods.

*i. Approved food source.* All food supplies shall come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant is prohibited. Transport vehicles used to supply food products are subject to inspection and shall protect food from physical, chemical and microbial contamination.

*j. Leftovers.* Leftovers may not be used, sold or given away in a temporary food establishment. Hot-held foods that are not used by the end of the day must be discarded.

**31.12(3) Utensil storage and warewashing.**

*a. Single-service utensils.* The use of single-service plates, cups and tableware is strongly recommended. The use of multiuse eating or drinking utensils must be approved by the department.

*b. Dishwashing.* An adequate means to heat the water and a minimum of three basins large enough for complete immersion of the utensils are required to wash, rinse and sanitize utensils or foodcontact equipment.

*c. Sanitizers.* Chlorine bleach or another approved sanitizer shall be provided for warewashing sanitization and wiping cloths. An appropriate test kit shall be provided to check the concentration of the sanitizer used. The person in charge shall demonstrate knowledge in the determination of the correct concentration of sanitizer to be used.

*d. Wiping cloths.* Wiping cloths shall be stored in a clean, 100 ppm chlorine sanitizer solution or equivalent. Sanitizing solution shall be changed as needed to maintain the solution in a clean condition.

**31.12(4) Water.**

*a. Water supply.* An adequate supply of clean water shall be provided from an approved source. Water storage units and hoses shall be food grade and approved for use in storage of water. If not permanently attached, hoses used to convey drinking water shall be clearly and indelibly identified as to their use. Water supply systems shall be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, shall be maintained and adequate for their intended purpose.

*b. Wastewater disposal.* Wastewater shall be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

**31.12(5) Premises.**

*a. Hand-washing container.* An insulated container with at least a two-gallon capacity with a spigot, basin, soap and dispensed paper towels shall be provided for hand washing. The container shall be filled with hot water.

*b. Floors, walls and ceilings.* If required, walls and ceilings shall be of tight design and weatherresistant materials to protect against the elements and flying insects. If required, floors shall be constructed of tight wood, asphalt, rubber or plastic matting or other cleanable material to control dust or mud.

*c. Lighting.* Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shielded.

*d. Food preparation surfaces.* All food preparation or food contact surfaces shall be of a safe design, smooth, easily cleanable and durable.

*e. Garbage containers.* An adequate number of cleanable containers with tight-fitting covers shall be provided both inside and outside the establishment.

*f. Toilet rooms.* An adequate number of approved toilet and hand-washing facilities shall be provided at each event.

*g. Clothing.* Personal clothing and belongings shall be stored at a designated place in the establishment, adequately separated from food preparation, food service and dish-washing areas.

These rules are intended to implement Iowa Code section 137F.7.

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\*NOTE: Rules 30—33.1(159) to 30—33.4(159) and 30—34.1(159) to 30—34.4(159) transferred to Inspections and Appeals Department[481] and rescinded.

Chapter

# 1 Purpose and Definitions

Parts

1-1	TITLE, INTENT, SCOPE
1-2	DEFINITIONS

1-1	TITLE, INTENT, SCOPE
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*Subparts*

1-101	Title
1-102	Intent
1-103	Scope

<b>Title</b>	1-101.10	<b>Food Code.</b>
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These provisions shall be known as the Food Code, hereinafter referred to as "this Code."

<b>Intent</b>	1-102.10	<b>Food Safety, Illness Prevention, and Honest Presentation.</b>
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The purpose of this Code is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented.

<b>Scope</b>	1-103.10	<b>Statement.</b>
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This Code establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and



provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspection, EMPLOYEE restriction, and PERMIT suspension.

## 1-2 DEFINITIONS

### *Subpart*

#### 1-201

#### Applicability and Terms Defined

#### ***Applicability and Terms Defined***

#### 1-201.10

#### Statement of Application and Listing of Terms.

(A) The following definitions apply in the interpretation and application of this Code.

(B) Terms Defined.

(1) **Additive.**

(a) "**Food additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.

(b) "**Color additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.

(2) "**Adulterated**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

(3) "**Approved**" means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(4) "**a<sub>w</sub>**" means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a<sub>w</sub>.

(5) "**Beverage**" means a liquid for drinking, including water.

(6) "**Bottled drinking water**" means water that is SEALED in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(7) **"Certification number"** means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH dealer according to the provisions of the National Shellfish Sanitation Program.

(8) **CIP.**

(a) **"CIP"** means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.

(b) **"CIP"** does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(9) **"CFR"** means CODE OF FEDERAL REGULATIONS. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

(10) **"Code of Federal Regulations"** means the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which:

(a) Is published annually by the U.S. Government Printing Office; and

(b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and Wildlife and Fisheries rules in 50 CFR.

(11) **Comminuted.**

(a) **"Comminuted"** means reduced in size by methods including chopping, flaking, grinding, or mincing.

(b) **"Comminuted"** includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of 2 or more types of MEAT that have been reduced in size and combined, such as sausages made from 2 or more MEATS.

(12) **"Confirmed disease outbreak"** means a FOODBORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the FOOD as the source of the illness.

(13) **"Consumer"** means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

(14) **"Corrosion-resistant material"** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

(15) **"Critical control point"** means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health risk.

(16) **Critical Item.**

(a) **"Critical item"** means a provision of this Code, that, if in noncompliance, is more likely than other violations to contribute to FOOD contamination, illness, or environmental health HAZARD.

(b) **"Critical item"** is an item that is denoted in this Code with an asterisk \*.

(17) **"Critical limit"** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the risk that the identified FOOD safety HAZARD may occur.

(18) **Drinking Water.**

(a) **"Drinking water"** means water that meets 40 CFR 141 National Primary Drinking Water Regulations.

(b) **"Drinking water"** is traditionally known as "potable water."

(c) **"Drinking water"** includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(19) **"Dry storage area"** means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not POTENTIALLY HAZARDOUS and dry goods such as SINGLE-SERVICE items.

(20) **Easily Cleanable.**

(a) **"Easily cleanable"** means a characteristic of a surface that:

(i) Allows effective removal of soil by normal cleaning methods;

(ii) Is dependent on the material, design, construction, and installation of the surface; and

(iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.

(b) **"Easily cleanable"** includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified under Subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:

(i) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or

(ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

(21) **"Easily movable"** means:

(a) Weighing 14 kg (30 pounds) or less; mounted on casters, gliders, or rollers; or provided with a mechanical means requiring no more than 14 kg (30 pounds) of force to safely tilt a unit of EQUIPMENT for cleaning; and

(b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

(22) **"Employee"** means the PERMIT HOLDER, PERSON IN CHARGE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD ESTABLISHMENT.

(23) **"EPA"** means the U.S. Environmental Protection Agency.

(24) **Equipment.**

(a) **"Equipment"** means an article that is used in the operation of a FOOD ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.

(b) **"Equipment"** does not include items used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(25) **Fish.**

(a) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

(b) **"Fish"** includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

(26) **"Food"** means a raw, cooked, or processed edible substance, ice, A BEVERAGE, an ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(27) **Foodborne Disease Outbreak.**

(a) **"Foodborne disease outbreak"** means an incident, except as specified under Subparagraph (b) of this definition, in which:

(i) 2 or more PERSONS experience a similar illness after ingestion of a common FOOD; and

(ii) Epidemiological analysis implicates the FOOD as the source of the illness.

(b) **"Foodborne disease outbreak"** includes a single case of illness such as 1 PERSON ill from botulism or chemical poisoning.

(28) **"Food-contact surface"** means:

(a) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or

(b) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:

(i) Into a FOOD, or

(ii) Onto a surface normally in contact with FOOD.

(29) **"Food employee"** means an individual working with UNPACKAGED FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

**(30) Food Establishment.\***

**"Food establishment"** means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, the state training school or the Iowa juvenile home. "Food establishment" does not include the following:

- (A) A food processing plant.
- (B) An establishment that offers only prepackaged foods that are nonpotentially hazardous.
- (C) A produce stand or facility which sells only whole, uncut fresh fruits and vegetables.
- (D) Premises which are a home food establishment pursuant to Iowa Code chapter 137D.
- (E) Premises which operate as a farmers market.
- (F) Premises of a residence in which food that is nonpotentially hazardous is sold for consumption off the premises, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food. As used in this subsection, food that is nonpotentially hazardous means only the following:
  - (1) Baked goods, except the following: soft pies, bakery products with custard or cream fillings, or any other potentially hazardous goods.
  - (2) Wholesome, fresh eggs that are kept at a temperature of forty-five degrees Fahrenheit or seven degrees Celsius or less.
  - (3) Honey which is labeled with additional information as provided by departmental rule.
- (G) A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
- (H) A private home that receives catered or home-delivered food.
- (I) Child day care facilities and other food establishment facilities located in hospitals or health care facilities which are subject to inspection by other state agencies or divisions of the department.
- (J) Supply vehicles, vending machine locations or boardinghouses for permanent guests.
- (K) Establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to Iowa Code section 189A.3.
- (L) Premises covered by a current Class "A" beer permit as provided in Iowa Code chapter 123.

(31) **Food Processing Plant.\***

**"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption and does not provide FOOD directly to a CONSUMER. "Food processing plant" does not include premises covered by a Class "A" beer permit as provided in Iowa Code chapter 123.

(32) **Game Animal.**

(a) **"Game animal"** means an animal, the products of which are FOOD, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR Subchapter A - Mandatory Meat Inspection, Part 301, as Poultry in 9 CFR Subchapter C - Mandatory Poultry Products Inspection, Part 381, or as FISH as defined under Subparagraph 1-201.10(B)(25).

(b) **"Game animal"** includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

(c) **"Game animal"** does not include ratites such as ostrich, emu, and rhea.

(33) **"Grade A standards"** means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

(34) **"General use pesticide"** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

(35) **Group Residence.**

(a) **"Group residence"** means a private or public housing corporation or institutional facility that provides living quarters and meals.

(b) **"Group residence"** includes a domicile for unrelated PERSONS such as a retirement home or a long-term health care facility.

(36) **"HACCP plan"** means a written document that delineates the formal procedures for following the Hazard Analysis CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(37) **"Hazard"** means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health risk.

(38) "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

(39) "**Highly susceptible population**" means a group of PERSONS who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

(40) "**Imminent health hazard**" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(i) The number of potential injuries, and

(ii) The nature, severity, and duration of the anticipated injury.

(41) "**Injected**" means manipulating a MEAT so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the MEAT such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping."

(42) "**Kitchenware**" means FOOD preparation and storage UTENSILS.

(43) "**Law**" means applicable local, state, and federal statutes, regulations, and ordinances.

(44) "**Linens**" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(45) "**Meat**" means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except fish, poultry, and wild game animals as specified under Subparagraphs 3-201.17(A)(3) and (4).*

(46) "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(47) "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle.*



(48) **Packaged.**

(a) **"Packaged"** means bottled, canned, cartoned, securely bagged, or securely wrapped, whether PACKAGED in a FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.

(b) **"Packaged"** *does not include a wrapper, carry-out box, or other nondurable container used to containerize FOOD with the purpose of facilitating FOOD protection during service and receipt of the FOOD by the CONSUMER.*

(49) **"Permit"** means the document issued by the REGULATORY AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

(50) **"Permit holder"** means the entity that:

(a) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

(b) Possesses a valid PERMIT to operate a FOOD ESTABLISHMENT.

(51) **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(52) **"Person in charge"** means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

(53) **Personal Care Items.**

(a) **"Personal care items"** means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.

(b) **"Personal care items"** include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

(54) **"pH"** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

(55) **"Physical facilities"** means the structure and interior surfaces of a FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(56) **"Plumbing fixture"** means a receptacle or device that:

- (a) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or
- (b) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

(57) **"Plumbing system"** means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

(58) **"Poisonous or toxic materials"** means substances that are not intended for ingestion and are included in 4 categories:

- (a) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (b) Pesticides *except* SANITIZERS, which include substances such as insecticides and rodenticides;
- (c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and
- (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

(59) **Potentially Hazardous Food.\***

**"Potentially hazardous food"** means a FOOD that is natural or synthetic and is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, or the growth and toxin production of clostridium botulinum, "Potentially hazardous food" includes an animal food that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures. "Potentially hazardous food" does not include the following:

- (a) An air-cooled hard-boiled egg with shell intact.
- (b) A FOOD with an  $a_w$  value of 0.85 or less.
- (c) A FOOD with a hydrogen ion concentration (pH) level of 4.6 or below when measured at twenty-four degrees Centigrade or seventy-five degrees Fahrenheit.

(d) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.

(60) **Poultry.**

(a) **"Poultry"** means:

(i) Any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations; and

(ii) Any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Program.

(b) **"Poultry"** does not include ratites.

(61) **"Premises"** means:

(a) The physical facility, its contents, and the contiguous land or property under the control of the PERMIT HOLDER; or

(b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the PERMIT HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, if a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(62) **"Primal cut"** means a basic major cut into which carcasses and sides of MEAT are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(63) **"Public water system"** has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

(64) **Ready-to-Eat Food.**

(a) **"Ready-to-eat food"** means FOOD that is in a form that is edible without washing, cooking, or additional preparation by the FOOD ESTABLISHMENT or the CONSUMER and that is reasonably expected to be consumed in that form.

(b) **"Ready-to-eat food"** includes:

(i) POTENTIALLY HAZARDOUS FOOD that is UNPACKAGED and cooked to the temperature and time required for the specific FOOD under Subpart 3-401;

- (ii) Raw, washed, cut fruits and vegetables;
- (iii) Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
- (iv) Other FOOD presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

**(65) Reduced Oxygen Packaging.**

- (a) **"Reduced oxygen packaging"** means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21% oxygen.
- (b) **"Reduced oxygen packaging"** includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

(66) **"Refuse"** means solid waste not carried by water through the SEWAGE system.

(67) **"Regulatory authority"** \* means the department or a municipal corporation that has entered into an agreement with the director pursuant to section 137F.3 for authority to enforce this chapter in its jurisdiction.

(68) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(69) **"Safe material"** means:

- (a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;
- (b) An additive that is used as specified in § 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or
- (c) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

(70) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to

yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(71) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(72) **"Servicing area"** means an operating base location to which a mobile FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

(73) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(74) **"Shellfish control authority"** means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of MOLLUSCAN SHELLFISH harvesters and dealers for interstate commerce.

(75) **"Shellstock"** means raw, in-shell MOLLUSCAN SHELLFISH.

(76) **"Shucked shellfish"** means MOLLUSCAN SHELLFISH that have one or both shells removed.

(77) **"Single-service articles"** means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use.

(78) **Single-Use Articles.**

(a) **"Single-use articles"** means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

(b) **"Single-use articles"** includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse UTENSILS.

(79) **"Slacking"** means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23°C (-10°F) to -4° C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as spinach.

(80) **"Smooth"** means:

(a) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(b) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(81) **"Support animal"** means a trained animal such as a Seeing Eye dog that accompanies a PERSON with a disability to assist in managing the disability and enables the PERSON to perform functions that the PERSON would otherwise be unable to perform.

(82) **"Table-mounted equipment"** means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(83) **"Tableware"** means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(84) **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

(85) **"Temporary food establishment"** means a FOOD ESTABLISHMENT that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(86) **"USDA"** means the U.S. Department of Agriculture.

(87) **"Utensil"** means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; and FOOD TEMPERATURE MEASURING DEVICES.

(88) **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

(89) **"Vending machine location"** \* means the physical site where a vending machine is installed and operated, including the storage area and servicing areas on the PREMISES that are used in conjunctions with the vending machine.

(90) **"Warewashing"** means the cleaning and SANITIZING of FOOD-CONTACT SURFACES

of EQUIPMENT and UTENSILS.

(1a) **“Bed and breakfast home”** \* means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, motel, does not require reservations, and serves food only to overnight guests.

(2a) **“Commissary”** \* means a food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment’s own food establishment outlets.

(3a) **“Department”** \* means the department of inspections and appeals.

(4a) **“Director”** \* means the director of the department of inspections and appeals.

(5a) **“Farmers market”** \* means a marketplace which seasonally operates principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premise consumption.

(6a) **“Food Code”** \* means the 1997 edition of the United States food and drug administration food code.

(7a) **“Mobile food unit”** means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

(8a) **“Municipal corporation”** \* means a political subdivision of this state.

(9a) **“Perishable food”** \* means potentially hazardous food.

(1b) **“Pushcart”** \* means a non-self-propelled vehicle food establishment limited to serving nonpotentially hazardous foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

\* Amended by Iowa Code Chapter 137F (2005)

Chapter

# 2

# Management and Personnel

Parts

- 2-1 SUPERVISION
- 2-2 EMPLOYEE HEALTH
- 2-3 PERSONAL CLEANLINESS
- 2-4 HYGIENIC PRACTICES

2-1 SUPERVISION

*Subparts*

- 2-101 Responsibility
- 2-102 Knowledge
- 2-103 Duties

***Responsibility***

**2-101.11 Assignment.\***

The PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.

***Knowledge***

**2-102.11 Demonstration.\***

Based on the risks of foodborne illness inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD



Analysis CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by compliance with this Code, by being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an accredited program, or by responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

(A) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE;

(B) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease;

(C) Describing the symptoms associated with the diseases that are transmissible through FOOD;

(D) Explaining the significance of the relationship between maintaining the time and temperature of POTENTIALLY HAZARDOUS FOOD and the prevention of foodborne illness;

(E) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, eggs, and FISH.

(F) Stating the required FOOD temperatures and times for safe cooking of POTENTIALLY HAZARDOUS FOOD including MEAT, POULTRY, eggs, and FISH.

(G) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of POTENTIALLY HAZARDOUS FOOD;

(H) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(1) Cross contamination,

(2) Hand contact with READY-TO-EAT FOODS,

(3) Handwashing, and

- (4) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair;
- (I) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:
- (1) Sufficient in number and capacity, and
  - (2) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
- (J) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT;
- (K) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
- (L) Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW;
- (M) Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code;
- (N) Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Code, or an agreement between the REGULATORY AUTHORITY and the establishment; and
- (O) Explaining the responsibilities, rights, and authorities assigned by this Code to the:
- (1) FOOD EMPLOYEE,
  - (2) PERSON IN CHARGE, and
  - (3) REGULATORY AUTHORITY.

## **Duties**

### **2-103.11 Person in Charge.**

The PERSON IN CHARGE shall ensure that:

(A) FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under § 6-202.111;

(B) PERSONS unnecessary to the FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination;

(C) EMPLOYEES and other PERSONS such as delivery and maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas comply with this Code;

(D) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' handwashing;

(E) EMPLOYEES are visibly observing FOODS as they are received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from contamination, UNADULTERATED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt;

(F) EMPLOYEES are properly cooking POTENTIALLY HAZARDOUS FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and death, such as eggs and COMMINUTED MEATS, through daily oversight of the EMPLOYEES' routine monitoring of the cooking temperatures;

(G) EMPLOYEES are using proper methods to rapidly cool POTENTIALLY HAZARDOUS FOODS that are not held hot or are not for consumption within 4 hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;

(H) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under

§ 3-603.11 that the FOOD is not cooked sufficiently to ensure its safety;

(I) EMPLOYEES are properly SANITIZING cleaned multiuse EQUIPMENT and UTENSILS before they are reused, through routine monitoring of solution temperature and exposure time for hot water SANITIZING, and chemical concentration, pH, temperature, and exposure time for chemical SANITIZING; and

(J) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.16.

## **2-2 EMPLOYEE HEALTH**

### ***Subpart***

#### **2-201 Disease or Medical Condition**

#### ***Disease or Medical Condition***

*employer requires employee reporting of:*

#### **health status**

*employee is ill*

#### **2-201.11 Responsibility of the Person in Charge to Require Reporting by Food Employees and Applicants.\***

The PERMIT HOLDER shall require FOOD EMPLOYEE applicants to whom a conditional offer of employment is made and FOOD EMPLOYEES to report to the PERSON IN CHARGE, information about their health and activities as they relate to diseases that are transmissible through FOOD. A FOOD EMPLOYEE or applicant shall report the information in a manner that allows the PERSON IN CHARGE to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under ¶ (C) of this section, if the FOOD EMPLOYEE or applicant:

(A) Is diagnosed with an illness due to:

(1) ***Salmonella typhi***,

(2) ***Shigella*** spp.,

(3) ***Escherichia coli*** O157:H7, or

(4) Hepatitis A virus;

*employee has  
symptom of:*

(B) Has a symptom caused by illness, infection, or other source that is:

• *intestinal illness*

(1) Associated with an acute gastrointestinal illness such as:

- (a) Diarrhea,
- (b) Fever,
- (c) Vomiting,
- (d) Jaundice, or
- (e) Sore throat with fever, or

• *Boil or infected  
wound*

(2) A lesion containing pus such as a boil or infected wound that is open or draining and is:

- (a) On the hands or wrists, *unless an impermeable cover such as a finger cot or stall protects the lesion and a SINGLE-USE glove is worn over the impermeable cover,*
- (b) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover, or*
- (c) On other parts of the body, *unless the lesion is covered by a dry, durable, tight-fitting bandage;*

*employee  
previously ill*

(C) Had a past illness from an infectious agent specified under ¶ (A) of this section; or

**activities**

(D) Meets one or more of the following high-risk conditions:

*employee at high  
risk of becoming  
ill:*

• *prepared or  
consumed food  
that caused  
disease*

(1) Is suspected of causing, or being exposed to, a CONFIRMED DISEASE OUTBREAK caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the FOOD EMPLOYEE or applicant:

- (a) Prepared FOOD implicated in the outbreak,
- (b) Consumed FOOD implicated in the outbreak, or

(c) Consumed FOOD at the event prepared by a PERSON who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent,

• *lives with ill person*

(2) Lives in the same household as a PERSON who is diagnosed with a disease caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** O157:H7, or hepatitis A virus,

• *lives with person involved in disease outbreak*

(3) Lives in the same household as a PERSON who attends or works in a setting where there is a confirmed disease outbreak caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** O157:H7, or hepatitis A virus, or

• *traveled outside United States or to U.S. territory*

(4) Traveled out of the United States or to a United States' territory within the last 50 calendar days to an area that is identified as having epidemic or endemic disease caused by ***S. typhi***, ***Shigella*** spp., ***E. coli*** O157:H7, or hepatitis A virus based on information published by the Centers for Disease Control and Prevention, such as the document titled Health Information for International Travel.

## 2-201.12 Exclusions and Restrictions.\*

The PERSON IN CHARGE shall:

*excluding ill employees*

(A) Exclude a FOOD EMPLOYEE from a FOOD ESTABLISHMENT if the FOOD EMPLOYEE is diagnosed with an infectious agent specified under ¶ 2-201.11(A);

*restricting employees: (serving general population)*

(B) Except as specified under ¶ (C) or (D) of this section, restrict a FOOD EMPLOYEE from working with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES, in a FOOD ESTABLISHMENT if the FOOD EMPLOYEE is:

• *with symptom of illness or*

(1) Suffering from a symptom specified under ¶ 2-201.11(B), or

*of past illness*

(2) Not experiencing a symptom of acute gastroenteritis specified under Subparagraph 2-201.11(B)(1) but has a stool that yields a specimen culture that is positive for ***Salmonella typhi***, ***Shigella*** spp., or ***Escherichia coli*** O157:H7;

*excluding  
employees:  
(serving high-risk  
population)  
• with symptom of  
illness or*

*of past illness*

*excluding and  
restricting  
jaundiced  
employees*

(C) If the population served is a HIGHLY SUSCEPTIBLE POPULATION, exclude a FOOD EMPLOYEE who:

(1) Is experiencing a symptom of acute gastrointestinal illness specified under Subparagraph 2-201.11(B)(1) and meets a high-risk condition specified under Subparagraphs 2-201.11(D)(1)-(4),

(2) Is not experiencing a symptom of acute gastroenteritis specified under Subparagraph 2-201.11(B)(1) but has a stool that yields a specimen culture that is positive for **S. typhi**, **Shigella** spp., or **E. coli** O157:H7,

(3) Had a past illness from **S. typhi** within the last 3 months, or

(4) Had a past illness from **Shigella** spp. or **E. coli** O157:H7 within the last month; and

(D) For a FOOD EMPLOYEE who is jaundiced:

(1) If the onset of jaundice occurred within the last 7 calendar days, exclude the FOOD EMPLOYEE from the FOOD ESTABLISHMENT, or

(2) If the onset of jaundice occurred more than 7 calendar days before:

(a) Exclude the FOOD EMPLOYEE from a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, or

(b) Restrict the FOOD EMPLOYEE from activities specified under ¶ 2-201.12(B), if the FOOD ESTABLISHMENT does not serve a HIGHLY SUSCEPTIBLE POPULATION.

## **2-201.13 Removal of Exclusions and Restrictions.**

*reinstating an  
excluded  
employee who is:*

(A) The PERSON IN CHARGE may remove an exclusion specified under ¶ 2-201.12(A) if:

(1) The PERSON IN CHARGE obtains approval from the REGULATORY AUTHORITY; and

- *no longer ill*
  - or
  - *free of jaundice*
- reinstating a restricted employee who is*
- *free of symptoms*
- *free of suspected infectious agent*
- *has symptoms that are not caused by an infectious agent*
- *no longer a shedder*
- (2) The PERSON excluded as specified under ¶ 2-201.12(A) provides to the PERSON IN CHARGE written medical documentation from a physician licensed to practice medicine that specifies that the excluded PERSON may work in an unrestricted capacity in a FOOD ESTABLISHMENT, including an establishment that serves a HIGHLY SUSCEPTIBLE POPULATION, because the PERSON is free of the infectious agent of concern as specified in § 8-501.40.
- (B) The PERSON IN CHARGE may remove a restriction specified under:
- (1) Subparagraph 2-201.12(B)(1) if the restricted PERSON:
- (a) Is free of the symptoms specified under ¶ 2-201.11(B) and no foodborne illness occurs that may have been caused by the restricted PERSON,
  - (b) Is suspected of causing foodborne illness but:
    - (i) Is free of the symptoms specified under ¶ 2-201.11(B), and
    - (ii) Provides written medical documentation from a physician licensed to practice medicine stating that the restricted PERSON is free of the infectious agent that is suspected of causing the PERSON's symptoms or causing foodborne illness, as specified in § 8-501.40, or
  - (c) Provides written medical documentation from a physician licensed to practice medicine stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or
- (2) Subparagraph 2-201.12(B)(2) if the restricted PERSON provides written medical documentation from a physician, licensed to practice medicine, according to the criteria specified in § 8-501.40 that indicates the stools are free of ***Salmonella typhi***, ***Shigella*** spp., or ***E. coli*** O157:H7, whichever is the infectious agent of concern.



*reinstating an  
excluded  
employee  
serving: high-risk  
population*

(C) The PERSON IN CHARGE may remove an exclusion specified under ¶ 2-201.12(C) if the excluded PERSON provides written medical documentation from a physician licensed to practice medicine:

(1) That specifies that the PERSON is free of:

(a) The infectious agent of concern as specified in § 8-501.40, or

(b) Jaundice as specified under ¶ 2-201.13(D) if hepatitis A virus is the infectious agent of concern; or

(2) If the PERSON is excluded under Subparagraph 2-201.12(C)(1), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

*reinstating an  
employee who is:*

(D) The PERSON IN CHARGE may remove an exclusion specified under Subparagraph 2-201.12(D)(1) and Subparagraph 2-201.12(D)(2)(a) and a restriction specified under Subparagraph 2-201.12(D)(2)(b) if:

• *not suspect  
source of illness*

(1) No foodborne illness occurs that may have been caused by the excluded or restricted PERSON and the PERSON provides written medical documentation from a physician licensed to practice medicine that specifies that the PERSON is free of hepatitis A virus as specified in Subparagraph 8-501.40(D)(1); or

• *suspect source  
of illness*

(2) The excluded or restricted PERSON is suspected of causing foodborne illness and complies with the requirements in Subparagraphs 8-501.40(D)(1) and (D)(2).

## **2-201.14      Responsibility of a Food Employee or an Applicant to Report to the Person in Charge.\***

A FOOD EMPLOYEE or a PERSON who applies for a job as a FOOD EMPLOYEE shall:

(A) In a manner specified under § 2-201.11, report to the PERSON IN CHARGE the information specified under ¶¶ 2-201.11(A)-(D); and

(B) Comply with exclusions and restrictions that are specified under ¶¶ 2-201.12(A)-(D).

#### **2-201.15      Reporting by the Person in Charge.\***

The PERSON IN CHARGE shall notify the REGULATORY AUTHORITY of a FOOD EMPLOYEE or a PERSON who applies for a job as a FOOD EMPLOYEE who is diagnosed with, or is suspected of having an illness due to, ***Salmonella typhi***, ***Shigella*** spp., ***Escherichia coli*** O157:H7, or hepatitis A virus.

### **2-3            PERSONAL CLEANLINESS**

#### ***Subparts***

- |              |                       |
|--------------|-----------------------|
| <b>2-301</b> | <b>Hands and Arms</b> |
| <b>2-302</b> | <b>Fingernails</b>    |
| <b>2-303</b> | <b>Jewelry</b>        |
| <b>2-304</b> | <b>Outer Clothing</b> |

#### ***Hands and Arms***

#### **2-301.11      Clean Condition.\***

FOOD EMPLOYEES shall keep their hands and exposed portions of their arms clean.

#### **2-301.12      Cleaning Procedure.\***

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms with a cleaning compound in a lavatory that is equipped as specified under ¶ 5-202.12(A) by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water. EMPLOYEES shall pay particular attention to the areas underneath the fingernails and between the fingers.

#### **2-301.13      Special Handwash Procedures.\***

Reserved.

#### **2-301.14 When to Wash.\***

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES and:

- (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (B) After using the toilet room;
- (C) After caring for or handling SUPPORT ANIMALS or aquatic animals as specified in ¶ 2-403.11(B);
- (D) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (E) After handling soiled EQUIPMENT OR UTENSILS;
- (F) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (G) When switching between working with raw FOOD and working with READY-TO-EAT FOOD; and
- (H) After engaging in other activities that contaminate the hands.

#### **2-301.15 Where to Wash.**

FOOD EMPLOYEES shall clean their hands in a handwashing lavatory and may not clean their hands in a sink used for FOOD preparation, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste. Amended by **481 IAC 31.1(8)**, see **Page xx**.

#### **2-301.16 Hand Sanitizers.**

- (A) A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall:

(1) Have active antimicrobial ingredients that are:

(a) Listed as safe and effective for application to human skin as an Antiseptic Handwash in a monograph for OTC (over-the-counter) Health-Care Antiseptic Drug Products, or

(b) Previously authorized, and listed for such use in the USDA **List of Proprietary Substances and Nonfood Compounds**, Miscellaneous Publication No. 1419;

(2) Have components that are:

(a) Regulated for the intended use as FOOD ADDITIVES as specified in 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers, or

(b) Generally recognized as safe (GRAS) for the intended use in contact with FOOD within the meaning of the Federal Food, Drug, and Cosmetic Act § 201(s), or

(c) Exempted from the requirement of being listed in the federal FOOD ADDITIVE regulations as specified in 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(3) Be applied only to hands that are cleaned as specified under § 2-301.12.

(B) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:

(1) Followed by thorough hand rinsing in clean water before hand contact with FOOD or by the use of gloves; or

(2) Limited to situations that involve no direct contact with FOOD by the bare hands.

(C) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L chlorine.

**Fingernails****2-302.11 Maintenance.**

FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

**Jewelry****2-303.11 Prohibition.**

While preparing FOOD, FOOD EMPLOYEES may not wear jewelry on their arms and hands. *This section does not apply to a plain ring such as a wedding band.*

**Outer Clothing****2-304.11 Clean Condition.**

FOOD EMPLOYEES shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

**2-4 HYGIENIC PRACTICES*****Subparts*****2-401 Food Contamination Prevention****2-402 Hair Restraints****2-403 Animals****Food  
Contamination  
Prevention****2-401.11 Eating, Drinking, or Using Tobacco.\***

(A) Except as specified in ¶ (B) of this section, an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can not result.

(B) *A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:*

*(1) The EMPLOYEE'S hands;*

*(2) The container; and*

*(3) Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

#### **2-401.12 Discharges from the Eyes, Nose, and Mouth.\***

FOOD EMPLOYEES experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

### ***Hair Restraints***

#### **2-402.11 Effectiveness.**

(A) Except as provided in ¶ (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

*(B) This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal risk of contaminating exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

### ***Animals***

#### **2-403.11 Handling Prohibition.\***

(A) Except as specified in ¶ (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SUPPORT ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(4).

*(B) FOOD EMPLOYEES with SUPPORT ANIMALS may handle or care for their SUPPORT ANIMALS and FOOD EMPLOYEES may handle or care for FISH in aquariums or MOLLUSCAN SHELLFISH or crustacea in display tanks if they wash their hands as specified under §§ 2-301.12 and ¶ 2-301.14(C).*

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Chapter

3

Food

Parts

- 3-1 CHARACTERISTICS
- 3-2 SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS AND RECORDS
- 3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING
- 3-4 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN
- 3-5 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN
- 3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING
- 3-7 CONTAMINATED FOOD
- 3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS

3-1 CHARACTERISTICS

Subparts

3-101 Condition

**Condition**                      **3-101.11      Safe, Unadulterated, and Honestly Presented.\***

FOOD shall be safe, UNADULTERATED, and, as specified under § 3-601.12, honestly presented.



**3-2****SOURCES, SPECIFICATIONS, AND ORIGINAL CONTAINERS  
AND RECORDS****Subparts****3-201****Sources****3-202****Specifications for Receiving****3-203****Original Containers and Records****Sources****3-201.11 Compliance with Food Law.\***

(A) FOOD shall be obtained from sources that comply with LAW.

(B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT. (Note: Amended by Iowa Code section 137F.2(6) - see page iii.)

(C) PACKAGED FOOD shall be labeled as specified in LAW, including 21 CFR 101 FOOD Labeling, 9 CFR 317 Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N Labeling and Containers, and as specified under §§ 3-202.17 and 3-202.18.

(D) *Fish, other than MOLLUSCAN SHELLFISH, that are intended for consumption in their raw form and allowed as specified in Subparagraph 3-401.11(C)(1) may be offered for sale or service if they are obtained from a supplier that freezes the FISH as specified under § 3-402.11; or frozen on the PREMISES as specified under § 3-402.11 and records are retained as specified under § 3-402.12.*

**3-201.12 Food in a Hermetically Sealed Container.\***

FOOD in a HERMETICALLY SEALED CONTAINER shall be obtained from a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.

**3-201.13 Fluid Milk and Milk Products.\***

Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in LAW.

### **3-201.14 Fish.\***

(A) FISH that are received for sale or service shall be:

- (1) Commercially and legally caught or harvested; or
- (2) APPROVED for sale or service.

(B) MOLLUSCAN SHELLFISH that are recreationally caught may not be received for sale or service.

### **3-201.15 Molluscan Shellfish.\***

(A) MOLLUSCAN SHELLFISH shall be obtained from sources according to LAW and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish.

(B) MOLLUSCAN SHELLFISH received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

### **3-201.16 Wild Mushrooms.\***

(A) Except as specified in ¶ (B) of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an APPROVED mushroom identification expert.

(B) *This section does not apply to:*

- (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the FOOD regulatory agency that has jurisdiction over the operation; or*
- (2) Wild mushroom species if they are in PACKAGED form and are the product of a FOOD PROCESSING PLANT that is regulated by the FOOD regulatory agency that has jurisdiction over the plant.*

*\* Wild morel mushrooms are not excluded. Amended by Iowa Code section 137F.2(12).*

### **3-201.17      Game Animals.\***

(A) If GAME ANIMALS are received for sale or service they shall be:

(1) Commercially raised for food and:

(a) Raised slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or

(b) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction, and

(c) Raised, slaughtered, and processed according to:

(i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee;

(2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and APPROVED" in accordance with 9 CFR 352 Voluntary Exotic Animal Program or rabbits that are "inspected and certified" in accordance with 9 CFR 354 Rabbit Inspection Program;

(3) As allowed by LAW, for wild GAME ANIMALS that are live-caught:

(a) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction, and

(b) Slaughtered and processed according to:

(i) LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

(ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an APPROVED veterinarian or veterinarian's designee; or

(4) AS ALLOWED by LAW, for field-dressed wild GAME ANIMALS under a routine inspection program that ensures the animals:  
Amended by 481 IAC 31.1(10).

(a) Receive a postmortem examination by an APPROVED veterinarian or veterinarian's designee, or

(b) Are field-dressed and transported according to requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program, and

(c) Are processed according to LAWS governing MEAT and POULTRY as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

(B) A GAME ANIMAL may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 Endangered and Threatened Wildlife and Plants.

### ***Specifications for Receiving***

#### **3-202.11      Temperature.\***

(A) Except as specified in ¶ (B) of this section, refrigerated, POTENTIALLY HAZARDOUS FOOD shall be at a temperature of 5°C (41°F) or below when received.

*(B) If a temperature other than 5°C (41°F) for a POTENTIALLY HAZARDOUS FOOD is specified in LAW governing its distribution, such as LAWS governing milk, MOLLUSCAN SHELLFISH, and shell eggs, the FOOD may be received at the specified temperature.*

(C) POTENTIALLY HAZARDOUS FOOD that is cooked to a temperature and for a time specified under §§ 3-401.11 - 3-401.16 and received hot shall be at a temperature of 60°C (140°F) or above.

(D) A FOOD that is labeled frozen and shipped frozen by a FOOD PROCESSING PLANT shall be received frozen.

(E) Upon receipt, POTENTIALLY HAZARDOUS FOOD shall be free of evidence of previous temperature abuse.

### **3-202.12      Additives.\***

FOOD may not contain UNAPPROVED FOOD ADDITIVES or ADDITIVES that exceed amounts specified in 21 CFR 170-180 relating to FOOD ADDITIVES, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR 318.7 Approval of substances for use in the preparation of products, or pesticide residues that exceed provisions specified in 40 CFR 185 Tolerances for Pesticides in Food.

### **3-202.13      Shell Eggs.\***

Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. CONSUMER Grade B as specified in 7 CFR Part 56 - Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight classes for Shell Eggs, and 7 CFR Part 59 - Regulations Governing the Inspection of Eggs and Egg Products.

### **3-202.14      Eggs and Milk Products, Pasteurized.\***

(A) Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.

(B) Fluid and dry milk and milk products complying with GRADE A STANDARDS as specified in LAW shall be obtained pasteurized.

(C) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135 - Frozen Desserts.

(D) Cheese shall be obtained pasteurized *unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133 - Cheeses and Related Cheese Products, for curing certain cheese varieties.*

### **3-202.15      Package Integrity.\***

FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants.

### **3-202.16      Ice.\***

Ice for use as a FOOD or a cooling medium shall be made from DRINKING WATER.

### **3-202.17      Shucked Shellfish, Packaging and Identification.**

(A) Raw SHUCKED SHELLFISH shall be obtained in nonreturnable packages which bear a legible label that identifies the:

(1) Name, address, and CERTIFICATION NUMBER of the shucker-packer or repacker of the MOLLUSCAN SHELLFISH; and

(2) The "sell by" date for packages with a capacity of less than 1.87 L (one-half gallon) or the date shucked for packages with a capacity of 1.87 L (one-half gallon) or more.

(B) A package of raw SHUCKED SHELLFISH that does not bear a label or which bears a label which does not contain all the information as specified under ¶ (A) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

### **3-202.18      Shellstock Identification.\***

(A) SHELLSTOCK shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the SHELLSTOCK,

as specified in the National Shellfish Sanitation Program Manual of Operations Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish, and that list:

(1) Except as specified under ¶ (C) of this section, on the harvester's tag or label, the following information in the following order:

(a) The harvester's identification number that is assigned by the SHELLFISH CONTROL AUTHORITY,

(b) The date of harvesting,

(c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the SHELLFISH CONTROL AUTHORITY and including the abbreviation of the name of the state or country in which the shellfish are harvested,

(d) The type and quantity of shellfish, and

(e) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and

(2) Except as specified in ¶ (D) of this section, on each dealer's tag or label, the following information in the following order:

(a) The dealer's name and address, and the CERTIFICATION NUMBER assigned by the SHELLFISH CONTROL AUTHORITY,

(b) The original shipper's CERTIFICATION NUMBER including the abbreviation of the name of the state or country in which the shellfish are harvested,

(c) The same information as specified for a harvester's tag under Subparagraphs (A)(1)(b)-(d) of this section, and

(d) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days."

(B) A container of SHELLSTOCK that does not bear a tag or label or that bears a tag or label that does not contain all the information as

specified under ¶ (A) of this section shall be subject to a hold order, as allowed by LAW, or seizure and destruction in accordance with 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60(d).

(C) If a place is provided on the harvester's tag or label for a dealer's name, address, and CERTIFICATION NUMBER, the dealer's information shall be listed first.

*(D) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under Subparagraphs (A)(2)(a) and (b) of this section, individual dealer tags or labels need not be provided.*

### **3-202.19 Shellstock, Condition.**

When received by a FOOD ESTABLISHMENT, SHELLSTOCK shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or SHELLSTOCK with badly broken shells shall be discarded.

#### **Original Containers and Records**

### **3-203.11 Molluscan Shellfish, Original Container.**

(A) Except as specified in ¶¶ (B) and (C) of this section, MOLLUSCAN SHELLFISH may not be removed from the container in which they are received other than immediately before sale or preparation for service.

*(B) SHELLSTOCK may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a CONSUMER may be removed from the display or display container and provided to the CONSUMER if:*

*(1) The source of the SHELLSTOCK on display is identified as specified under § 3-202.18 and recorded as specified under § 3-203.12; and*

*(2) The SHELLSTOCK are protected from contamination.*

*(C) SHUCKED SHELLFISH may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a CONSUMER's request if:*



*(1) The labeling information for the shellfish on display as specified under § 3-202.17 is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and*

*(2) The shellfish are protected from contamination.*

### **3-203.12 Shellstock, Maintaining Identification.\***

(A) Except as specified under Subparagraph (B)(2) of this section, SHELLSTOCK tags shall remain attached to the container in which the shellstock are received until the container is empty.

(B) The identity of the source of SHELLSTOCK that are sold or served shall be maintained by retaining SHELLSTOCK tags or labels for 90 calendar days from the date the container is emptied by:

(1) Using an APPROVED record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the SHELLSTOCK are sold or served; and

(2) If SHELLSTOCK are removed from their tagged or labeled container:

(a) Using only 1 tagged or labeled container at a time, or

(b) Using more than 1 tagged or labeled container at a time and obtaining a variance from the REGULATORY AUTHORITY as specified in § 8-103.10 based on a HACCP PLAN that:

(i) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11,

(ii) Preserves source identification by using a record keeping system as specified under Subparagraph (B)(1) of this section, and

(iii) Ensures that SHELLSTOCK from one tagged or labeled container are not commingled with SHELLSTOCK from another container before being ordered by the CONSUMER.

### **3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING**

#### ***Subparts***

<b>3-301</b>	<b>Preventing Contamination by Employees</b>
<b>3-302</b>	<b>Preventing Food and Ingredient Contamination</b>
<b>3-303</b>	<b>Preventing Contamination from Ice Used as a Coolant</b>
<b>3-304</b>	<b>Preventing Contamination from Equipment, Utensils, and Linens</b>
<b>3-305</b>	<b>Preventing Contamination from the Premises</b>
<b>3-306</b>	<b>Preventing Contamination by Consumers</b>
<b>3-307</b>	<b>Preventing Contamination from Other Sources</b>

#### ***Preventing Contamination by Employees***

##### **3-301.11 Preventing Contamination from Hands.\***

(A) FOOD EMPLOYEES shall wash their hands as specified under § 2-301.12.

(B) Amended by Iowa Code section 137F.2(7) [see page 43a].

(C) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.

##### **3-301.12 Preventing Contamination when Tasting.\***

A FOOD EMPLOYEE may not use a UTENSIL more than once to taste FOOD that is to be sold or served.

**Paragraph 3-301.11(B) Amended by Iowa Code section 137F.2(7):**

(1) Except when washing fruits and vegetables, food employees should, to the extent practicable, avoid contact with exposed, ready-to-eat food with their bare hands. Where food is routinely handled by employees, employers should adopt reasonable sanitary procedures to reduce the risk of the transmission of pathogenic organisms.

(2) In seeking to minimize employee's physical contact with ready-to-eat foods, no single method or device is universally practical or necessarily the most effective method to prevent the transmission of pathogenic organisms in all situations. As such, each public food service establishment shall review its operations to identify procedures where ready-to-eat food must be routinely handled by its employees and adopt one or more of the following sanitary alternatives, to be used alone or in combination, to prevent the transmission of pathogenic organisms:

(a) The use of suitable food handling materials including, but not limited to, deli tissues, appropriate utensils, or dispensing equipment. Such materials must be used in conjunction with thorough hand washing practices in accord with paragraph (c).

(b) The use of single-use gloves, for the purpose of preparing or handling ready-to-eat foods, shall be discarded when damaged or soiled or when the process of food preparation or handling is interrupted. Single-use gloves must be used in conjunction with thorough hand washing practices in accord with paragraph (c).

(c) The use, pursuant to the manufacturer's instructions, of anti-bacterial soaps, with the additional optional use of anti-bacterial protective skin lotions or anti-microbial hand sanitizers, rinses, or dips. All such soaps, lotions, sanitizers, rinses, and dips must contain active topical anti-microbial or anti-bacterial ingredients, registered by the United States environmental protection agency, cleared by the United States food and drug administration, and approved by the United State's department of agriculture.

(d) The use of such other practices, devices, or products that are found by the division to achieve a comparable level of protection to one or more of the sanitary alternatives in paragraphs (a) through (c).

(3) Regardless of the sanitary alternatives in use, each public food service establishment shall establish:

(a) Systematic focused education and training of all food service employees involved in the identified procedures regarding the potential for transmission of pathogenic organisms from contact with ready-to-eat food. The importance of proper hand washing and hygiene in preventing the transmission of illness, and the effective use of the sanitary alternatives and monitoring system utilized by the public food service establishment, shall be reinforced. The content and duration of this training shall be determined by the manager of the public food service establishment.

***Preventing Food  
and Ingredient  
Contamination***

**3-302.11      Packaged and Unpackaged Food - Separation,  
Packaging, and Segregation.\***

(A) Food shall be protected from cross contamination by:

(1) Separating raw animal FOODS during storage, preparation, holding, and display from:

(a) Raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as vegetables, and

(b) Cooked READY-TO-EAT FOOD;

(2) *Except when combined as ingredients*, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:

(a) Using separate EQUIPMENT for each type, or

(b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented, and

(c) Preparing each type of FOOD at different times or in separate areas;

(3) Cleaning EQUIPMENT and UTENSILS as specified under ¶ 4-602.11(A) and SANITIZING as specified under § 4-703.11;

(4) Except as specified in ¶ (B) of this section, storing the FOOD in packages, covered containers, or wrappings;

(5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

(6) Protecting FOOD containers that are received PACKAGED together in a case or overwrap from cuts when the case or overwrap is opened;

(7) Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under § 6-404.11; and

(8) Separating fruits and vegetables, before they are washed as specified under § 3-302.15 from READY-TO-EAT FOOD.

(B) *Subparagraph (A)(4) of this section does not apply to:*

(1) *Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;*

(2) *PRIMAL CUTS, quarters, or sides of raw MEAT or slab bacon that are hung on clean, SANITIZED hooks or placed on clean, SANITIZED racks;*

(3) *Whole, uncut, processed MEATS such as country hams, and smoked or cured sausages that are placed on clean, SANITIZED racks;*

(4) *FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or*

(5) *SHELLSTOCK.*

**3-302.12 Food Storage Containers, Identified with Common Name of Food.**

Working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD *except that containers holding FOOD that can be readily and unmistakably recognized such as dry pasta need not be identified.*

**3-302.13 Pasteurized Eggs, Substitute for Raw Shell Eggs for Certain Recipes.\***

Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of FOODS such as Caesar salad, hollandaise or bernaise sauce, mayonnaise, eggnog, ice cream, and egg-fortified BEVERAGES that are not:

(A) Cooked as specified under Subparagraphs 3-401.11(A)(1) or (2); or

(B) Included in Subparagraph 3-401.11(C)(1).

### **3-302.14 Protection from Unapproved Additives.\***

(A) FOOD shall be protected from contamination that may result from the addition of, as specified in § 3-202.12:

(1) Unsafe or unAPPROVED FOOD or COLOR ADDITIVES; and

(2) Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES.

(B) A FOOD EMPLOYEE may not:

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a FOOD considered to be a good source of vitamin B<sub>1</sub>; or

(2) Serve or sell FOOD specified under Subparagraph (B)(1) of this section that is treated with sulfiting agents before receipt by the FOOD ESTABLISHMENT, *except that grapes need not meet this subparagraph.*

### **3-302.15 Washing Fruits and Vegetables.**

(A) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form except as specified in ¶ (B) of this section and *except that whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption need not be washed before they are sold.*

(B) *Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12.*

### ***Preventing Contamination from Ice Used as a Coolant***

### **3-303.11 Ice Used as Exterior Coolant, Prohibited as Ingredient.**

After use as a medium for cooling the exterior surfaces of FOOD such as melons or FISH, PACKAGED FOODS such as canned BEVERAGES, or cooling coils and tubes of EQUIPMENT, ice may not be used as FOOD.

**3-303.12 Storage or Display of Food in Contact with Water or Ice.**

(A) PACKAGED FOOD may not be stored in direct contact with ice or water if the FOOD is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(B) Except as specified in ¶¶ (C) and (D) of this section, UNPACKAGED FOOD may not be stored in direct contact with undrained ice.

(C) *Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.*

(D) *Raw chicken and raw FISH that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.*

***Preventing  
Contamination  
from Equipment,  
Utensils, and  
Linens***

**3-304.11 Food Contact with Equipment and Utensils.\***

FOOD may not contact:

(A) Probe-type price or identification tags;<sup>s</sup> and

(B) Surfaces of EQUIPMENT and UTENSILS that are not cleaned as specified under Part 4-6 of this Code and SANITIZED as specified under Part 4-7 of this Code.

**3-304.12 In-Use Utensils, Between-Use Storage.**

During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

(A) Except as specified under ¶ (B) of this section, in the FOOD with their handles above the top of the FOOD and the container;

(B) In FOOD that is not POTENTIALLY HAZARDOUS with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon;

(C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT and shall be cleaned and SANITIZED at a frequency specified under §§ 4-602.11 and 4-702.11;

(D) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes; or

(E) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not POTENTIALLY HAZARDOUS.

### **3-304.13 Linens and Napkins, Use Limitation.**

LINENS and napkins may not be used in contact with FOOD *unless they are used to line a container for the service of FOODS and the LINENS and napkins are replaced each time the container is refilled for a new CONSUMER.*

### **3-304.14 Wiping Cloths, Used for One Purpose.**

(A) Cloths that are in use for wiping FOOD spills shall be used for no other purpose.

(B) Cloths used for wiping FOOD spills shall be:

(1) Dry and used for wiping FOOD spills from TABLEWARE and carry-out containers; or

(2) Moist and cleaned as specified under ¶ 4-802.11(D), stored in a chemical sanitizer as specified under § 7-204.11, and used for wiping spills from FOOD-CONTACT and nonFOOD-CONTACT SURFACES of EQUIPMENT.

(C) Dry or moist cloths that are used with raw animal FOODS shall be kept separate from cloths used for other purposes, and moist cloths used with raw animal FOODS shall be kept in a separate sanitizing solution.



### **3-304.15      Gloves, Use Limitation.**

(A) If used, SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

(B) Except as specified in ¶ (C) of this section, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with FOOD that is subsequently cooked as specified under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.

*(C) Slash-resistant gloves may be used with READY-TO-EAT FOOD that will not be subsequently cooked if the slash-resistant gloves have a SMOOTH, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a SMOOTH, durable, nonabsorbent glove, or a SINGLE-USE glove.*

(D) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under Part 3-4 such as frozen FOOD or a PRIMAL CUT of MEAT.*

### **3-304.16      Using Clean Tableware for Second Portions and Refills.**

(A) FOOD EMPLOYEES may not use TABLEWARE, including SINGLE-SERVICE ARTICLES, soiled by the CONSUMER to provide second portions or refills.

(B) Except as specified in ¶ (C) of this section, self-service CONSUMERS may not be allowed to use soiled TABLEWARE, including SINGLE-SERVICE ARTICLES, to obtain additional FOOD from the display and serving EQUIPMENT.

*(C) Cups and glasses may be reused by self-service CONSUMERS if refilling is a contamination-free process as specified under §§ 4-204.13(A), (B), and (D).*

### **3-304.17 Refilling Returnables.**

(A) A take-home FOOD container returned to a FOOD ESTABLISHMENT may not be refilled at a FOOD ESTABLISHMENT with a POTENTIALLY HAZARDOUS FOOD.

(B) Except as specified in ¶ (C), a take-home FOOD container refilled with FOOD that is not POTENTIALLY HAZARDOUS shall be cleaned as specified under ¶ 4-603.17(B).

(C) *Personal take-out BEVERAGE containers, such as thermally insulated bottles, nonspill coffee cups and promotional BEVERAGE glasses, may be refilled by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified under ¶¶ 4-204.13(A), (B), and (D).*

### **Preventing Contamination from the Premises**

### **3-305.11 Food Storage.**

(A) Except as specified in ¶¶ (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD:

- (1) In a clean, dry location;
- (2) Where it is not exposed to splash, dust, or other contamination;  
and
- (3) At least 15 cm (6 inches) above the floor.

(B) *FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under § 4-204.122.*

(C) *Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.*

### **3-305.12 Food Storage, Prohibited Areas.**

FOOD may not be stored:

- (A) In locker rooms;

- (B) In toilet rooms;
- (C) In dressing rooms;
- (D) In garbage rooms;
- (E) In mechanical rooms;
- (F) Under sewer lines that are not shielded to intercept potential drips;
- (G) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (H) Under open stairwells; or
- (I) Under other sources of contamination.

**3-305.13 Vended Potentially Hazardous Food, Original Container.**

POTENTIALLY HAZARDOUS FOOD dispensed through a VENDING MACHINE shall be in the package in which it was placed at the FOOD ESTABLISHMENT OR FOOD PROCESSING PLANT at which it was prepared.

**3-305.14 Food Preparation.**

During preparation, UNPACKAGED FOOD shall be protected from environmental sources of contamination.

***Preventing  
Contamination  
by Consumers***

**3-306.11 Food Display.**

*Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the CONSUMER before consumption, FOOD on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar FOOD guards; display cases; or other effective means.*

### **3-306.12      Condiments, Protection.**

(A) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected FOOD displays provided with the proper UTENSILS, original containers designed for dispensing, or individual packages or portions.

(B) Condiments at a VENDING MACHINE LOCATION shall be in individual packages or provided in dispensers that are filled at an APPROVED location, such as the FOOD ESTABLISHMENT that provides FOOD to the VENDING MACHINE LOCATION, a FOOD PROCESSING PLANT that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the VENDING MACHINE LOCATION.

### **3-306.13      Consumer Self-Service Operations.\***

(A) Raw, UNPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service. *This paragraph does not apply to CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish, or to ready-to-cook individual portions for immediate cooking and consumption on the PREMISE such as CONSUMER-cooked MEATS or CONSUMER-selected ingredients for Mongolian barbecue.*

(B) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.<sup>N</sup>

(C) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.<sup>N</sup>

### **3-306.14      Returned Food, Reservice or Sale.\***

(A) Except as specified in ¶ (B) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption.

(B) Except as specified under § 3-801.11, *FOOD that is not* POTENTIALLY HAZARDOUS, *such as crackers and condiments, in an unopened original package and maintained in sound condition may be re-served or resold.*

**Preventing  
Contamination  
from Other  
Sources**

**3-307.11      Miscellaneous Sources of Contamination.**

FOOD shall be protected from contamination that may result from a factor or source not specified under Subparts 3-301 - 3-306.

**3-4              DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN**

***Subparts***

- 3-401              Cooking**
- 3-402              Freezing**
- 3-403              Reheating**

**Cooking**

**3-401.11      Raw Animal Foods.\***

(A) Except as specified under ¶ (B) and in ¶ (C) of this section, raw animal FOODS such as eggs, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:

(1) 63°C (145°F) or above for 15 seconds for:

(a) Raw shell eggs that are broken and prepared in response to a CONSUMER'S order and for immediate service, and

(b) Except as specified under Subparagraphs (A)(2) and (3) and ¶ (B) of this section, FISH and MEAT including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2);

(2) 68°C (155°F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for pork, ratites, and INJECTED MEATS; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1), and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw eggs that are not prepared as specified under Subparagraph (A)(1)(a) of this section:

Minimum	
Temperature °C (°F)	Time
63 (145)	3 minutes
66 (150)	1 minute

;or

(3) 74°C (165°F) or above for 15 seconds for POULTRY, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed ratites, or stuffing containing FISH, MEAT, POULTRY, or ratites.

(B) Whole beef roasts and corned beef roasts shall be cooked:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity <sup>1</sup>	121°C (250°F) or less	121°C (250°F) or less
<sup>1</sup> Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

;and

(2) As specified in the following chart, to heat all parts of the FOOD to a temperature and for the holding time that corresponds to that temperature:

Temperature °C (°F)	Time <sup>1</sup> in Minutes	Temperature °C (°F)	Time <sup>1</sup> in Minutes	Temperature °C (°F)	Time <sup>1</sup> in Minutes
54 (130)	121	58 (136)	32	61 (142)	8
56 (132)	77	59 (138)	19	62 (144)	5
57 (134)	47	60 (140)	12	63 (145)	3
<sup>1</sup> Holding time may include postoven heat rise.					

(C) Paragraphs (A) and (B) of this section do not apply if:

(1) *Except for FOOD ESTABLISHMENTS serving a HIGHLY SUSCEPTIBLE POPULATION, the FOOD is a raw animal FOOD such as raw egg; raw fish; raw-marinated FISH; raw MOLLUSCAN SHELLFISH; steak tartare; or a partially cooked FOOD such as lightly cooked FISH, rare MEAT, and soft cooked eggs that is served or offered for sale in a READY-TO-EAT form, and the CONSUMER is informed as specified under § 3-603.11 that to ensure its safety, the FOOD should be cooked as specified under ¶ (A) of this section; or*

(2) *The REGULATORY AUTHORITY grants a variance from ¶ (A) or (B) of this section as specified in § 8-103.10 based on a HACCP PLAN that:*

*(a) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11,*

*(b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe FOOD, and*

*(c) Verifies that EQUIPMENT and procedures for FOOD preparation and training of FOOD EMPLOYEES at the FOOD ESTABLISHMENT meet the conditions of the variance.*

### **3-401.12      Microwave Cooking.\***

Raw animal FOODS cooked in a microwave oven shall be:

(A) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(B) Covered to retain surface moisture;

(C) Heated to a temperature of at least 74°C (165°F) in all parts of the food; and

(D) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

### **3-401.13      Plant Food Cooking for Hot Holding.**

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 60°C (140°F).

## ***Freezing***

### **3-402.11      Parasite Destruction.\***

(A) Except as specified in ¶ (B) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH other than MOLLUSCAN SHELLFISH shall be frozen throughout to a temperature of:



(1) -20°C (-4°F) or below for 168 hours (7 days) in a freezer; or

(2) -35°C (-31°F) or below for 15 hours in a blast freezer.

*(B) If the FISH are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the FISH may be served or sold in a raw, raw-marinated, or partially cooked READY-TO-EAT form without freezing as specified under ¶ (A) of this section.*

### **3-402.12      Records, Creation and Retention.**

(A) Except as specified in ¶ 3-402.11(B) and ¶ (B) of this section, if raw, raw-marinated, partially cooked, or marinated-partially cooked FISH are served or sold in READY-TO-EAT form, the PERSON IN CHARGE shall record the freezing temperature and time to which the FISH are subjected and shall retain the records at the FOOD ESTABLISHMENT for 90 calendar days beyond the time of service or sale of the FISH.

*(B) If the FISH are frozen by a supplier, a written agreement or statement from the supplier stipulating that the FISH supplied are frozen to a temperature and for a time specified under § 3-402.11 may substitute for the records specified under ¶ (A) of this section.*

## ***Reheating***

### **3-403.10      Reheating for Immediate Service.**

(Deleted by Iowa Code Chapter 137F)

### **3-403.11      Reheating for Hot Holding.\***

(A) Except as specified under ¶¶ (B) and (C) and in ¶ (E) of this section, POTENTIALLY HAZARDOUS FOOD that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) for 15 seconds.

(B) Except as specified under ¶ (C) of this section, POTENTIALLY HAZARDOUS FOOD reheated in a microwave oven for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

(C) READY-TO-EAT FOOD taken from a commercially processed, HERMETICALLY SEALED CONTAINER, or from an intact package from a FOOD PROCESSING PLANT that is inspected by the FOOD REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 60°C (140°F) for hot holding.

(D) Reheating for hot holding shall be done rapidly and the time the FOOD is between the temperature specified under ¶ 3-501.16(B) or (C) and 74°C (165°F) may not exceed 2 hours.

(E) *Remaining unsliced portions of roasts of beef that are cooked as specified under ¶ 3-401.11(B) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ¶ 3-401.11(B).*

### **3-5      LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN**

#### ***Subparts***

<b>3-501</b>	<b>Temperature and Time Control</b>
<b>3-502</b>	<b>Specialized Processing Methods</b>

#### ***Temperature and Time Control***

##### **3-501.11      Frozen Food.**

Stored frozen FOODS shall be maintained frozen.

##### **3-501.12      Potentially Hazardous Food, Slacking.**

Frozen POTENTIALLY HAZARDOUS FOOD that is slacked to moderate the temperature shall be held:

(A) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under ¶ 3-501.16(C) or;

(B) At any temperature if the FOOD remains frozen.

### **3-501.13 Thawing.**

Except as specified in ¶ (D) of this section, POTENTIALLY HAZARDOUS FOOD shall be thawed:

(A) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less, or at 7°C (45°F) or less as specified under ¶ 3-501.16(C) or;

(B) Completely submerged under running water:

(1) At a water temperature of 21°C (70°F) or below,

(2) With sufficient water velocity to agitate and float off loose particles in an overflow, and

(3) For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F), or 7°C (45°F) as specified under ¶ 3-501.16(C), or

(4) For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under ¶ 3-401.11(A) or (B) to be above 5°C (41°F), or 7°C (45°F) as specified under ¶ 3-501.16(C), for more than 4 hours including:

(a) The time the FOOD is exposed to the running water and the time needed for preparation for cooking, or

(b) The time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F), or 7°C (45°F) as specified under ¶ 3-501.16(C);

(C) As part of a cooking process if the FOOD that is frozen is:

(1) Cooked as specified under ¶ 3-401.11(A) or (B) or § 3-401.12, or

(2) Thawed in a microwave oven and immediately transferred to conventional cooking EQUIPMENT, with no interruption in the process; or

*(D) Using any procedure if a portion of frozen READY-TO-EAT FOOD is thawed and prepared for immediate service in response to an individual CONSUMER'S order.*

### **3-501.14      Cooling.\***

(A) Cooked POTENTIALLY HAZARDOUS FOOD shall be cooled:

(1) Within 2 hours, from 60°C (140°F) to 21°C (70°F); and

(2) Within 4 hours, from 21°C (70°F) to 5°C (41°F) or less, or to 7°C (45°F) as specified under ¶ 3-501.16(C).

(B) POTENTIALLY HAZARDOUS FOOD shall be cooled within 4 hours to 5°C (41°F) or less, or to 7°C (45°F) as specified under ¶ 3-501.16(C) if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.

(C) Except as specified in ¶ (D) of this section, a POTENTIALLY HAZARDOUS FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in ¶ 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less, or 7°C (45°F) or less as specified under ¶ 3-501.16(C).

*(D) Shell eggs need not comply with ¶ (C) of this section if the eggs are placed immediately upon their receipt in refrigerated EQUIPMENT that is capable of maintaining FOOD at 5°C (41°F) or less, or 7°C (45°F) or less as specified under ¶ 3-501.16(C).*

### **3-501.15      Cooling Methods.**

(A) Cooling shall be accomplished in accordance with the time and temperature criteria specified under § 3-501.14 by using one or more of the following methods based on the type of FOOD being cooled:

(1) Placing the FOOD in shallow pans;

- (2) Separating the FOOD into smaller or thinner portions;
- (3) Using rapid cooling EQUIPMENT;
- (4) Stirring the FOOD in a container placed in an ice water bath;
- (5) Using containers that facilitate heat transfer;
- (6) Adding ice as an ingredient; or
- (7) Other effective methods.

(B) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:

- (1) Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and
- (2) Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 3-305.11(A)(2), during the cooling period to facilitate heat transfer from the surface of the FOOD.

### **3-501.16 Potentially Hazardous Food, Hot and Cold Holding.\***

*Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under § 3-501.19, POTENTIALLY HAZARDOUS FOOD shall be maintained:*

(A) At 60°C (140°F) or above, *except that roasts cooked to a temperature and for a time specified under ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54°C (130°F); or*

(B) At 5°C (41°F) or less, except as specified under ¶ (C) of this section and §§ 3-501.17, 3-501.18, and 4-204.111.

(C) At 7°C (45°F) or between 7°C (45°F) and 5°C (41°F) in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if:

- (1) The EQUIPMENT is in place and in use in the FOOD ESTABLISHMENT; and

(2) Within 5 years of the REGULATORY AUTHORITY'S adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5°C (41°F) or less.

Iowa Code Section 137F.2(8) amendment: "Shell eggs shall be received and held at an ambient temperature not to exceed 45° F or 7° C."

### **3-501.17 Ready-to-Eat, Potentially Hazardous Food, Date Marking.\***

#### **on-premises preparation**

• *prepare and hold cold*

(A) Except as specified in ¶ (E) of this section, refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and held refrigerated for more than 24 hours in a FOOD ESTABLISHMENT shall be clearly marked at the time of preparation to indicate the date by which the FOOD shall be consumed which is, including the day of preparation:

(1) 7 calendar days or less from the day that the FOOD is prepared, if the FOOD is maintained at 5°C (41°F) or less; or

(2) 4 calendar days or less from the day the FOOD is prepared, if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C).

(B) Except as specified in ¶ (E) of this section, a READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared in a FOOD ESTABLISHMENT and subsequently frozen, shall be clearly marked:

• *prepare, freeze, thaw, immediate use*

(1) When the FOOD is thawed, to indicate that the FOOD shall be consumed within 24 hours; or

• *prepare, hold cold, freeze, thaw, hold cold*

(2) When the FOOD is placed into the freezer, to indicate the length of time before freezing that the FOOD is held refrigerated and which is, including the day of preparation:

(a) 7 calendar days or less from the day of preparation, if the FOOD is maintained at 5°C (41°F) or less, or

(b) 4 calendar days or less from the day of preparation, if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C); and

(3) When the FOOD is removed from the freezer, to indicate the date by which the FOOD shall be consumed which is:

(a) 7 calendar days or less after the FOOD is removed from the freezer, minus the time before freezing, that the FOOD is held refrigerated if the FOOD is maintained at 5°C (41°F) or less before and after freezing, or

(b) 4 calendar days or less after the FOOD is removed from the freezer, minus the time before freezing, that the FOOD is held refrigerated if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C) before and after freezing.

*Paragraphs C and D below shall not apply to aged cheese. See Iowa Code section 137F.2(13).*

**commercially  
processed food**

• *open and hold  
cold*

(C) Except as specified in ¶¶ (E) and (F) of this section, a container of refrigerated, READY-TO-EAT POTENTIALLY HAZARDOUS FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT shall be clearly marked, at the time the original container is opened in a FOOD ESTABLISHMENT, to indicate the date by which the FOOD shall be consumed which is, including the day the original container is opened:

(1) 7 calendar days or less after the original container is opened, if the FOOD is maintained at 5°C (41°F) or less; or

(2) 4 calendar days or less from the day the original container is opened, if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C).

(D) Except as specified in ¶¶ (E) and (F) of this section, a container of refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared and PACKAGED by a FOOD PROCESSING PLANT and subsequently opened and frozen in a FOOD ESTABLISHMENT shall be clearly marked:

• *open, freeze,  
thaw, immediate  
use*

(1) When the FOOD is thawed, to indicate that the FOOD shall be consumed within 24 hours; or

• *open, hold cold,  
freeze, thaw, hold  
cold*

(2) To indicate the time between the opening of the original container and freezing that the FOOD is held refrigerated and which is, including the day of opening the original container:

(a) 7 calendar days or less, after opening the original container if the FOOD is maintained at 5°C (41°F) or less, or

(b) 4 calendar days or less after opening the original container if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C); and

(3) When the FOOD is removed from the freezer, to indicate the date by which the FOOD shall be consumed which is:

(a) 7 calendar days, minus the time before freezing, that the FOOD is held refrigerated if the FOOD is maintained at 5°C (41°F) or less before and after freezing, or

(b) 4 calendar days, minus the time before freezing, that the FOOD is held refrigerated if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C) before and after freezing.

*(E) Paragraphs (A)-(D) of this section do not apply to individual meal portions served or rePACKAGED for sale from a bulk container upon a CONSUMER'S request.*

*(F) Paragraphs (C) and (D) of this section do not apply to whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.*

**3-501.18 Ready-to-Eat, Potentially Hazardous Food, Disposition.\***

(A) A FOOD specified under ¶ 3-501.17(A) shall be discarded if not consumed within:

(1) 7 calendar days from the date of preparation if the FOOD is maintained at 5°C (41°F) or less; or

(2) 4 calendar days from the date of preparation if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C).

(B) A FOOD specified under Subparagraph 3-501.17(B)(1) or (D)(1) shall be discarded if not consumed within 24 hours after thawing.

(C) A FOOD specified under Subparagraphs 3-501.17(B)(2) and (3) or (D)(2) and (3) shall be discarded on or before the most recent



date marked on the FOOD container or PACKAGE if the FOOD is not consumed by that date.

(D) A FOOD specified under ¶ 3-501.17(C) shall be discarded if not consumed within, including the day of opening the original container:

(1) 7 calendar days after the date that the original PACKAGE is opened in a FOOD ESTABLISHMENT if the FOOD is maintained at 5°C (41°F) or less; or

(2) 4 calendar days after the date that the original PACKAGE is opened in a FOOD ESTABLISHMENT if the FOOD is maintained at 7°C (45°F) or less as specified under ¶ 3-501.16(C).

(E) A FOOD specified under ¶ 3-501.17(A), (B), (C), or (D) shall be discarded if the FOOD is:

(1) Marked with the date specified under ¶ 3-501.17(A), (B), (C), or (D) and the FOOD is not consumed before the most recent date expires;

(2) In a container or PACKAGE which does not bear a date or time; or

(3) Inappropriately marked with a date or time that exceeds the date or time specified under ¶ 3-501.17(A), (B), (C), or (D).

(F) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD prepared in a FOOD ESTABLISHMENT and dispensed through a VENDING MACHINE with an automatic shut-off control that is activated at a temperature of:

(1) 5°C (41°F) shall be discarded if not sold within 7 days; or

(2) 7°C (45°F) shall be discarded if not sold within 4 days.

### **3-501.19 Time as a Public Health Control.\***

If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of POTENTIALLY HAZARDOUS FOOD before cooking, or for READY-TO-EAT

POTENTIALLY HAZARDOUS FOOD that is displayed or held for service for immediate consumption:

- (A) The FOOD shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control;
- (B) The FOOD shall be cooked and served, served if READY-TO-EAT, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control;
- (C) The FOOD in unmarked containers or packages or marked to exceed a 4 hour limit shall be discarded; and
- (D) Written procedures shall be maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request, that ensure compliance with:
  - (1) ¶¶ (A)-(C) of this section, and
  - (2) § 3-501.14 for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control.

**Specialized  
Processing  
Methods**

**3-502.11 Variance Requirement.\***

A FOOD ESTABLISHMENT shall obtain a variance from the REGULATORY AUTHORITY as specified in § 8-103.10 and under § 8-103.11 before smoking or curing FOOD; brewing alcoholic BEVERAGES; using FOOD ADDITIVES or adding components such as vinegar as a method of FOOD preservation rather than as a method of flavor enhancement or to render a FOOD so that it is not POTENTIALLY HAZARDOUS; using a reduced oxygen method of packaging FOOD *except as specified under § 3-502.12 where a barrier to **Clostridium botulinum** in addition to refrigeration exists*; custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT; or preparing FOOD by another method that is determined by the REGULATORY AUTHORITY to require a variance.

### 3-502.12 Reduced Oxygen Packaging, Criteria.\*

Iowa Code section 137F.2(9) amendment: "Packaging of raw meat and raw poultry using an oxygen packaging method, with a 30 day 'sell by' date from the date it was packaged, shall be exempt from having an HACCP Plan that contains the information required in this section and section 8-201.14."

(A) A FOOD ESTABLISHMENT that packages FOOD using a REDUCED OXYGEN PACKAGING method shall have a HACCP PLAN that contains the information specified under ¶ 8-201.14(D) and that:

- (1) Identifies the FOOD to be PACKAGED;
- (2) Limits the FOOD PACKAGED to a FOOD that does not support the growth of ***Clostridium botulinum*** because it complies with one of the following:
  - (a) Has an  $a_w$  of 0.91 or less,
  - (b) Has a pH of 4.6 or less,
  - (c) Is a MEAT OR POULTRY product cured at a FOOD PROCESSING PLANT regulated by the U.S.D.A. using substances specified in 9 CFR 318.7 Approval of substances for use in the preparation of products and 9 CFR 381.147 Restrictions on the use of substances in poultry products and is received in an intact package, or
  - (d) Is a FOOD with a high level of competing organisms such as raw MEAT OR raw POULTRY;
- (3) Specifies methods for maintaining FOOD at 5°C (41°F) or below;
- (4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
  - (a) Maintain the FOOD at 5°C (41°F) or below, and
  - (b) Discard the FOOD if within 14 calendar days of its packaging it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption;
- (5) Limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

(6) Includes operational procedures that:

(a) Prohibit contacting FOOD with bare hands,

(b) Identify a designated area and the method by which:

(i) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination, and

(ii) Access to the processing EQUIPMENT is restricted to responsible trained personnel familiar with the potential HAZARDS of the operation, and

(c) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES; and

(7) Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:

(a) Concepts required for a safe operation,

(b) EQUIPMENT and facilities, and

(c) Procedures specified under Subparagraph (A)(6) of this section and ¶ 8-201.14(D).

(B) *Except for FISH that is frozen before, during, and after packaging,* a FOOD ESTABLISHMENT may not package FISH using a REDUCED OXYGEN PACKAGING method.

## **3-6 FOOD IDENTITY, PRESENTATION, AND ON-PREMISES LABELING**

### ***Subparts***

<b>3-601</b>	<b>Accurate Representation</b>
<b>3-602</b>	<b>Labeling</b>
<b>3-603</b>	<b>Consumer Advisory</b>

### ***Accurate Representation***

#### **3-601.11 Standards of Identity.**

PACKAGED FOOD shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 Definitions and Standards of Identity or Composition, and the general requirements in 21 CFR 130 - Food Standards: General and 9 CFR 319 Subpart A - General.

#### **3-601.12 Honestly Presented.**

(A) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.

(B) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.

## ***Labeling***

### **3-602.11 Food Labels.**

(A) FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food Labeling, and 9 CFR 317 Labeling, Marking Devices, and Containers.

(B) Label information shall include:

(1) The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;

(2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the FOOD;

(3) An accurate declaration of the quantity of contents;

(4) The name and place of business of the manufacturer, packer, or distributor; and

(5) Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(Q)(3)-(5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.

(C) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

(1) The manufacturer's or processor's label that was provided with the FOOD; or

(2) A card, sign, or other method of notification that includes the information specified under Subparagraphs (B)(1), (2), and (5) of this section.

(D) *Bulk, unpackaged FOODS such as bakery products and unpackaged FOODS that are portioned to CONSUMER specification need not be labeled if:*

*(1) A health, nutrient content, or other claim is not made;*

*(2) There are no state or local LAWS requiring labeling; and*

*(3) The FOOD is manufactured or prepared on the PREMISES of the FOOD ESTABLISHMENT or at another FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT that is owned by the same PERSON and is regulated by the FOOD regulatory agency that has jurisdiction.*

### **3-602.12 Other Forms of Information.**

(A) If required by LAW, CONSUMER warnings shall be provided.

(B) FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.

**Consumer  
Advisory**

**3-603.11 Consumption of Raw or Undercooked Animal  
Foods.\***

If a raw or undercooked animal FOOD such as beef, eggs, FISH, lamb, milk, pork, POULTRY, or shellfish is offered in a READY-TO-EAT form as a deli, menu, vended, or other item; or as a raw ingredient in another READY-TO-EAT FOOD, the PERMIT HOLDER shall inform CONSUMERS by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable CONSUMERS eating such FOODS in raw or undercooked form.

Iowa Code section 137F.2(10) amends this section:

"The following standardized language shall be used on the required consumer advisory: **'Thoroughly cooking foods of animal origin such as beef, eggs, fish, lamb, pork, poultry, or shellfish reduces the risk of foodborne illness. Individuals with certain health conditions may be at higher risk if these foods are consumed raw or undercooked. Consult your physician or public health official for further information.'**

Iowa Code section 137F.2(11) amends this section so that it does not apply to whole red muscle meats.

**3-7 CONTAMINATED FOOD**

***Subpart***

**3-701 Disposition**

***Disposition***

**3-701.11 Discarding or Reconditioning Unsafe,  
Adulterated, or Contaminated Food.\***

(A) A FOOD that is unsafe, ADULTERATED, or not honestly presented as specified under § 3-101.11 shall be reconditioned according to an APPROVED procedure or discarded.

(B) FOOD that is not from an APPROVED source as specified under §§ 3-201.11 through .17 shall be discarded.

(C) READY-TO-EAT FOOD that may have been contaminated by an EMPLOYEE who has been restricted or excluded as specified under § 2-201.12 shall be discarded.

(D) FOOD that is contaminated by FOOD EMPLOYEES, CONSUMERS, or other PERSONS through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.



**3-8 SPECIAL REQUIREMENTS FOR HIGHLY SUSCEPTIBLE POPULATIONS**

***Subpart***

**3-801 Additional Safeguards**

***Additional Safeguards***

**3-801.11 Pasteurized Foods, Prohibited Reservice, and Prohibited Food.\***

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(A) Apple juice, apple cider, and other BEVERAGES containing apple juice served to a HIGHLY SUSCEPTIBLE POPULATION shall be obtained pasteurized, or in a commercially sterile shelf-stable form in a HERMETICALLY SEALED CONTAINER;

(B) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of:

(1) FOODS such as Caesar salad, hollandaise or bernaise sauce, mayonnaise, egg nog, ice cream, and egg-fortified BEVERAGES, and

(2) Eggs that are broken, combined in a container, and not cooked immediately or eggs that are held before service following cooking;

(C) FOOD in an unopened original package may not be re-served; and

(D) Raw animal FOOD such as raw, raw-marinated FISH; raw MOLLUSCAN SHELLFISH; steak tartare; or a partially cooked FOOD such as lightly cooked FISH, rare MEAT; and soft-cooked eggs may not be served or offered for sale in a READY-TO-EAT form.

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Chapter

# 4 Equipment, Utensils, and Linens

Parts

- 4-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 4-2 DESIGN AND CONSTRUCTION
- 4-3 NUMBERS AND CAPACITIES
- 4-4 LOCATION AND INSTALLATION
- 4-5 MAINTENANCE AND OPERATION
- 4-6 CLEANING OF EQUIPMENT AND UTENSILS
- 4-7 SANITIZATION OF EQUIPMENT AND UTENSILS
- 4-8 LAUNDERING
- 4-9 PROTECTION OF CLEAN ITEMS

4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

*Subparts*

- 4-101 Multiuse
- 4-102 Single-Service and Single-Use

**Multiuse**

**4-101.11 Characteristics.\***

Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD and under normal use conditions shall be:

(A) Safe;

(B) Durable, CORROSION-RESISTANT, and nonabsorbent;<sup>N</sup>

(C) Sufficient in weight and thickness to withstand repeated WAREWASHING;<sup>N</sup>

(D) Finished to have a SMOOTH, EASILY CLEANABLE surface;<sup>N</sup> and

(E) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.<sup>N</sup>

#### **4-101.12 Cast Iron, Use Limitation.**

(A) Except as specified in ¶¶ (B) and (C) of this section, cast iron may not be used for UTENSILS OR FOOD-CONTACT SURFACES of EQUIPMENT.

(B) *Cast iron may be used as a surface for cooking.*

(C) *Cast iron may be used in UTENSILS for serving FOOD if the UTENSILS are used only as part of an uninterrupted process from cooking through service.*

#### **4-101.13 Lead in Ceramic, China, and Crystal Utensils, Use Limitation.**

Ceramic, china, crystal UTENSILS, and decorative UTENSILS such as hand painted ceramic or china that are used in contact with FOOD shall be lead-free or contain levels of lead not exceeding the limits of the following UTENSIL categories:

<b>Utensil Category</b>	<b>Description</b>	<b>Maximum Lead mg/L</b>
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls ≥ 1.1 L (1.16 QT)	1
Small Hollowware	Bowls < 1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

#### **4-101.14      Copper, Use Limitation.\***

(A) Except as specified in ¶ (B) of this section, copper and copper alloys such as brass may not be used in contact with a FOOD that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

*(B) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.*

#### **4-101.15      Galvanized Metal, Use Limitation.\***

Galvanized metal may not be used for UTENSILS or FOOD-CONTACT SURFACES of EQUIPMENT that are used in contact with acidic FOOD.

#### **4-101.16      Sponges, Use Limitation.**

Sponges may not be used in contact with cleaned and SANITIZED or in-use FOOD-CONTACT SURFACES.

#### **4-101.17      Lead in Pewter Alloys, Use Limitation.**

Pewter alloys containing lead in excess of 0.05% may not be used as a FOOD-CONTACT SURFACE.

#### **4-101.18      Lead in Solder and Flux, Use Limitation.**

Solder and flux containing lead in excess of 0.2% may not be used as a FOOD-CONTACT SURFACE.

#### **4-101.19      Wood, Use Limitation.**

(A) Except as specified in ¶¶ (B), (C), and (D) of this section, wood and wood wicker may not be used as a FOOD-CONTACT SURFACE.

*(B) Hard maple or an equivalently hard, close-grained wood may be used for:*

(1) *Cutting boards; cutting blocks; bakers' tables; and UTENSILS such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and*

(2) *Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110°C (230°F) or above.*

(C) *Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.*

(D) *If the nature of the FOOD requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw FOOD may be kept in:*

(1) *Untreated wood containers; or*

(2) *Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.*

#### **4-101.110 Nonstick Coatings, Use Limitation.**

Multiuse KITCHENWARE such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching UTENSILS and cleaning aids.

#### **4-101.111 Nonfood-Contact Surfaces.**

NonFOOD-CONTACT SURFACES of EQUIPMENT that are exposed to splash, spillage, or other FOOD soiling or that require frequent cleaning shall be constructed of a CORROSION-RESISTANT, nonabsorbent, and SMOOTH material.

#### ***Single-Service and Single-Use***

#### **4-102.11 Characteristics.\***

Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES:

(A) May not:

- (1) Allow the migration of deleterious substances, or
- (2) Impart colors, odors, or tastes to FOOD;<sup>N</sup> and

(B) Shall be:

- (1) Safe, and
- (2) Clean.<sup>N</sup>

## **4-2 DESIGN AND CONSTRUCTION**

### ***Subparts***

<b>4-201</b>	<b>Durability and Strength</b>
<b>4-202</b>	<b>Cleanability</b>
<b>4-203</b>	<b>Accuracy</b>
<b>4-204</b>	<b>Functionality</b>
<b>4-205</b>	<b>Acceptability</b>

### ***Durability and Strength***

#### **4-201.11 Equipment and Utensils.**

EQUIPMENT and UTENSILS shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

#### **4-201.12 Food Temperature Measuring Devices.\***

FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, *except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.*

## ***Cleanability***

### **4-202.11 Food-Contact Surfaces.\***

Multiuse FOOD-CONTACT SURFACES shall be:

- (A) SMOOTH;
- (B) Free of breaks, open seams, cracks, chips, pits, and similar imperfections;
- (C) Free of sharp internal angles, corners, and crevices;
- (D) Finished to have SMOOTH welds and joints; and
- (E) Accessible for cleaning and inspection by one of the following methods:
  - (1) Without being disassembled,
  - (2) By disassembling without the use of tools, or
  - (3) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

### **4-202.12 CIP Equipment.**

(A) CIP EQUIPMENT shall meet the characteristics specified under § 4-202.11 and shall be designed and constructed so that:

- (1) Cleaning and SANITIZING solutions circulate throughout a fixed system and contact all interior FOOD-CONTACT SURFACES, and
- (2) The system is self-draining or capable of being completely drained of cleaning and SANITIZING solutions; and

(B) CIP EQUIPMENT that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior FOOD-CONTACT SURFACES throughout the fixed system are being effectively cleaned.



**4-202.13 "V" Threads, Use Limitation.**

"V" type threads may not be used on FOOD-CONTACT SURFACES. *This section does not apply to hot oil cooking or filtering EQUIPMENT.*

**4-202.14 Hot Oil Filtering Equipment.**

Hot oil filtering EQUIPMENT shall meet the characteristics specified under § 4-202.11 or § 4-202.12 and shall be readily accessible for filter replacement and cleaning of the filter.

**4-202.15 Can Openers.**

Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

**4-202.16 Nonfood-Contact Surfaces.**

NonFOOD-CONTACT SURFACES shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

**4-202.17 Kick Plates, Removable.**

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(A) Removable by one of the methods specified under Subparagraphs 4-202.11(E)(1)-(3) or capable of being rotated open; and

(B) Removable or capable of being rotated open without unlocking EQUIPMENT doors.

**4-202.18 Ventilation Hood Systems, Filters.**

Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

## ***Accuracy***

### **4-203.11 Temperature Measuring Devices, Food.**

(A) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to  $\pm 1^{\circ}\text{C}$  in the intended range of use.

(B) FOOD TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to  $\pm 2^{\circ}\text{F}$  in the intended range of use.

### **4-203.12 Temperature Measuring Devices, Ambient Air and Water.**

(A) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to  $\pm 1.5^{\circ}\text{C}$  in the intended range of use.

(B) Ambient air and water TEMPERATURE MEASURING DEVICES that are scaled only in Fahrenheit shall be accurate to  $\pm 3^{\circ}\text{F}$  in the intended range of use.

### **4-203.13 Pressure Measuring Devices, Mechanical Warewashing Equipment.**

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water SANITIZING rinse shall have increments of 7 kilopascals (1 pounds per square inch) or smaller and shall be accurate to  $\pm 14$  kilopascals ( $\pm 2$  pounds per square inch) in the 100-170 kilopascals (15-25 pounds per square inch) range.

## ***Functionality***

### **4-204.11 Ventilation Hood Systems, Drip Prevention.**

Exhaust ventilation hood systems in FOOD preparation and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

#### **4-204.12 Equipment Openings, Closures and Deflectors.**

(A) A cover or lid for EQUIPMENT shall overlap the opening and be sloped to drain.

(B) An opening located within the top of a unit of EQUIPMENT that is designed for use with a cover or lid shall be flanged upward at least 5 millimeters (two-tenths of an inch).

(C) Except as specified under ¶ (D) of this section, fixed piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending into EQUIPMENT shall be provided with a watertight joint at the point where the item enters the EQUIPMENT.

(D) If a watertight joint is not provided:

(1) The piping, TEMPERATURE MEASURING DEVICES, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the FOOD; and

(2) The opening shall be flanged as specified under ¶ (B) of this section.

#### **4-204.13 Dispensing Equipment, Protection of Equipment and Food.**

In EQUIPMENT that dispenses or vends liquid FOOD or ice in UNPACKAGED form:

(A) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the FOOD shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the FOOD;

(B) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(C) The delivery tube or chute and orifice of EQUIPMENT used to vend liquid FOOD or ice in UNPACKAGED form to self-service CONSUMERS shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the EQUIPMENT is:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment, or

(2) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE; and

(D) The dispensing EQUIPMENT actuating lever or mechanism and filling device of CONSUMER self-service BEVERAGE dispensing EQUIPMENT shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

#### **4-204.14 Vending Machine, Vending Stage Closure.**

The dispensing compartment of a VENDING MACHINE including a machine that is designed to vend prePACKAGED snack FOOD that is not POTENTIALLY HAZARDOUS such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:

(A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

(B) Available for self-service during hours when it is not under the full-time supervision of a FOOD EMPLOYEE.

#### **4-204.15 Bearings and Gear Boxes, Leakproof.**

EQUIPMENT containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant can not leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

#### **4-204.16 Beverage Tubing, Separation.**

BEVERAGE tubing and cold-plate BEVERAGE cooling devices may not be installed in contact with stored ice. *This section does not apply to cold plates that are constructed integrally with an ice storage bin.*

#### **4-204.17 Ice Units, Separation of Drains.**

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

#### **4-204.18 Condenser Unit, Separation.**

If a condenser unit is an integral component of EQUIPMENT, the condenser unit shall be separated from the FOOD and FOOD storage space by a dustproof barrier.

#### **4-204.19 Can Openers on Vending Machines.**

Cutting or piercing parts of can openers on VENDING MACHINES shall be protected from manual contact, dust, insects, rodents, and other contamination.

#### **4-204.110 Molluscan Shellfish Tanks.**

(A) Except as specified under ¶ (B) of this section, MOLLUSCAN SHELLFISH life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the CONSUMER that the shellfish are for display only.

(B) MOLLUSCAN SHELLFISH life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the REGULATORY AUTHORITY as specified in § 8-103.10 and a HACCP PLAN that:

(1) Is submitted by the PERMIT HOLDER and APPROVED as specified under § 8-103.11; and

(2) Ensures that:

(a) Water used with FISH other than MOLLUSCAN SHELLFISH does not flow into the molluscan tank,

(b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and

(c) The identity of the source of the SHELLSTOCK is retained as specified under § 3-203.12.

#### **4-204.111 Vending Machines, Automatic Shutoff.\***

(A) A machine vending POTENTIALLY HAZARDOUS FOOD shall have an automatic control that prevents the machine from vending FOOD:

(1) If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that can not maintain FOOD temperatures as specified under Chapter 3; and

(2) If a condition specified under Subparagraph (A)(1) of this section occurs, until the machine is serviced and restocked with FOOD that has been maintained at temperatures specified under Chapter 3.

(B) When the automatic shutoff within a machine vending POTENTIALLY HAZARDOUS FOOD is activated:

(1) In a refrigerated VENDING MACHINE, the ambient temperature may not exceed 5°C (41°F) or 7°C (45°F) as specified under ¶ 3-501.16(C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked; or

(2) In a hot holding VENDING MACHINE, the ambient temperature may not be less than 60°C (140°F) for more than 120 minutes immediately after the machine is filled, serviced, or restocked.

#### **4-204.112 Temperature Measuring Devices.**

(A) In a mechanically refrigerated or hot FOOD storage unit, the sensor of a TEMPERATURE MEASURING DEVICE shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot FOOD storage unit.

(B) Except as specified in ¶ (C) of this section, cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display.

(C) *Paragraph (B) of this section does not apply to EQUIPMENT for which the placement of a TEMPERATURE MEASURING DEVICE is not a practical means for measuring the ambient air surrounding the FOOD because of the design, type, and use of the EQUIPMENT, such as calrod units, heat lamps, cold plates, bainmaries, steam tables, insulated FOOD transport containers, and salad bars.*

(D) TEMPERATURE MEASURING DEVICES shall be designed to be easily readable.

(E) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES ON WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use.

#### **4-204.113      Warewashing Machine, Data Plate Operating Specifications.**

A WAREWASHING machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

(A) Temperatures required for washing, rinsing, and SANITIZING;

(B) Pressure required for the fresh water SANITIZING rinse *unless the machine is designed to use only a pumped SANITIZING rinse*; and

(C) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

#### **4-204.114      Warewashing Machines, Internal Baffles.**

WAREWASHING machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

#### **4-204.115 Warewashing Machines, Temperature Measuring Devices.**

A WAREWASHING machine shall be equipped with a TEMPERATURE MEASURING DEVICE that indicates the temperature of the water:

- (A) In each wash and rinse tank; and
- (B) As the water enters the hot water SANITIZING final rinse manifold or in the chemical SANITIZING solution tank.

#### **4-204.116 Manual Warewashing Equipment, Heaters and Baskets.**

If hot water is used for SANITIZATION in manual WAREWASHING operations, the SANITIZING compartment of the sink shall be:

- (A) Designed with an integral heating device that is capable of maintaining water at a temperature not less than 77°C (171°F); and
- (B) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

#### **4-204.117 Warewashing Machines, Sanitizer Level Indicator.**

A WAREWASHING machine that uses a chemical for SANITIZATION and that is installed after adoption of this Code by the REGULATORY AUTHORITY, shall be equipped with a device that indicates audibly or visually when more chemical SANITIZER needs to be added.

#### **4-204.118 Warewashing Machines, Flow Pressure Device.**

- (A) WAREWASHING machines that provide a fresh hot water SANITIZING rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the WAREWASHING machine; and
- (B) If the flow pressure measuring device is upstream of the fresh hot water SANITIZING rinse control valve, the device shall be



mounted in a 6.4 millimeter or one-fourth inch Iron Pipe Size (IPS) valve.

*(C) Paragraphs (A) and (B) of this section do not apply to a machine that uses only a pumped or recirculated SANITIZING rinse.*

#### **4-204.119     Warewashing Sinks and Drainboards, Self-Draining.**

Sinks and drainboards of WAREWASHING sinks and machines shall be self-draining.

#### **4-204.120     Equipment Compartments, Drainage.**

EQUIPMENT compartments that are subject to accumulation of moisture due to conditions such as condensation, FOOD or BEVERAGE drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

#### **4-204.121     Vending Machines, Liquid Waste Products.**

(A) VENDING MACHINES designed to store BEVERAGES that are PACKAGED in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(B) VENDING MACHINES that dispense liquid FOOD in bulk shall be:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow, or other internal wastes; and

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(C) Shutoff devices specified under Subparagraph (B)(2) of this section shall prevent water or liquid FOOD from continuously running if there is a failure of a flow control device in the water or liquid FOOD system or waste accumulation that could lead to overflow of the waste receptacle.

#### **4-204.122 Case Lot Handling Equipment, Moveability.**

EQUIPMENT, such as dollies, pallets, racks, and skids used to store and transport large quantities of PACKAGED FOODS received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available EQUIPMENT such as hand trucks and forklifts.

#### **4-204.123 Vending Machine Doors and Openings.**

(A) VENDING MACHINE doors and access opening covers to FOOD and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 1.5 millimeters or one-sixteenth inch by:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than 1.5 millimeters or one-sixteenth inch. Screening of 12 or more mesh to 2.5 centimeters (12 mesh to 1 inch) meets this requirement;

(2) Being effectively gasketed;

(3) Having interface surfaces that are at least 13 millimeters or one-half inch wide; or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(B) VENDING MACHINE service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or one-sixteenth inch.

#### ***Acceptability***

#### **4-205.10 Food Equipment, Certification and Classification.**

FOOD EQUIPMENT that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program will be deemed to comply with Parts 4-1 and 4-2 of this chapter.

## 4-3 NUMBERS AND CAPACITIES

### *Subparts*

#### **4-301 Equipment**

#### **4-302 Utensils, Temperature Measuring Devices, and Testing Devices**

### ***Equipment***

#### **4-301.11 Cooling, Heating, and Holding Capacities.**

EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide FOOD temperatures as specified under Chapter 3.

#### **4-301.12 Manual Warewashing, Sink Compartment Requirements.**

(A) Except as specified in ¶ (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.

(B) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in ¶ (C) of this section shall be used.

(C) *Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include [Amended by 481 IAC 31.1(13)]:*

- (1) High-pressure detergent sprayers;*
- (2) Low- or line-pressure spray detergent foamers;*
- (3) Other task-specific cleaning EQUIPMENT;*
- (4) Brushes or other implements;*

(5) 2-compartment sinks as specified under ¶¶ (D) and (E) of this section; or

(6) Receptacles that substitute for the compartments of a multicompartment sink.

(D) Before a 2-compartment sink is used:

(1) The PERMIT HOLDER shall have its use APPROVED; and

(2) The nature of WAREWASHING shall be limited to batch operations for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and:

(a) A limited number of items shall be cleaned,

(b) The cleaning and SANITIZING solutions shall be made up immediately before use and drained immediately after use, and

(c) A detergent-SANITIZER shall be used to SANITIZE and shall be applied as specified under § 4-501.115, or

(d) A hot water SANITIZATION immersion step shall be used as specified under ¶ 4-603.16(C).

(E) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

#### **4-301.13 Drainboards.**

Drainboards, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after SANITIZING.

#### **4-301.14 Ventilation Hood Systems, Adequacy.**

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

#### **4-301.15 Clothes Washers and Dryers.**

(A) Except as specified in ¶ (B) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

*(B) If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under § 4-901.12, a mechanical clothes washer and dryer need not be provided.*

#### **Utensils, Temperature Measuring Devices, and Testing Devices**

#### **4-302.11 Utensils, Consumer Self-Service.**

A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar.

#### **4-302.12 Food Temperature Measuring Devices.**

FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of FOOD temperatures as specified under Chapter 3.

#### **4-302.13 Temperature Measuring Devices, Manual Warewashing.**

In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures.

#### **4-302.14 Sanitizing Solutions, Testing Devices.**

A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided.

## **4-4 LOCATION AND INSTALLATION**

### ***Subparts***

<b>4-401</b>	<b>Location</b>
<b>4-402</b>	<b>Installation</b>

### ***Location***

#### **4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention.**

(A) Except as specified in ¶ (B) of this section, EQUIPMENT, a cabinet used for the storage of FOOD, or a cabinet that is used to store cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be located:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) Under open stairwells; or
- (8) Under other sources of contamination.

*(B) A storage cabinet used for LINENS or SINGLE-SERVICE or SINGLE-USE ARTICLES may be stored in a locker room.*

(C) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

## **Installation**

### **4-402.11 Fixed Equipment, Spacing or Sealing.**

(A) EQUIPMENT that is fixed because it is not EASILY MOVABLE shall be installed so that it is:

- (1) Spaced to allow access for cleaning along the sides, behind, and above the EQUIPMENT;
- (2) Spaced from adjoining EQUIPMENT, walls, and ceilings a distance of not more than 1 millimeter or one thirty-second inch; or
- (3) SEALED to adjoining EQUIPMENT or walls, if the EQUIPMENT is exposed to spillage or seepage.

(B) TABLE-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be installed to allow cleaning of the EQUIPMENT and areas underneath and around the EQUIPMENT by being:

- (1) SEALED to the table; or
- (2) Elevated on legs as specified under ¶ 4-402.12(D).

### **4-402.12 Fixed Equipment, Elevation or Sealing.**

(A) Except as specified in ¶¶ (B) and (C) of this section, floor-mounted EQUIPMENT that is not EASILY MOVABLE shall be SEALED to the floor or elevated on legs that provide at least a 15 centimeter (6 inch) clearance between the floor and the EQUIPMENT.

*(B) If no part of the floor under the floor-mounted EQUIPMENT is more than 15 centimeters (6 inches) from the point of cleaning access, the clearance space may be only 10 centimeters (4 inches).*

*(C) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in the CONSUMER shopping areas of a retail FOOD store, if the floor under the units is maintained clean.*

(D) Except as specified in ¶ (E) of this section, TABLE-MOUNTED EQUIPMENT that is not EASILY MOVABLE shall be elevated on legs that provide at least a 10 centimeter (4 inch) clearance between the table and the EQUIPMENT.

(E) *The clearance space between the table and TABLE-MOUNTED EQUIPMENT may be:*

- (1) *7.5 centimeters (3 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 50 centimeters (20 inches) from the point of access for cleaning; or*
- (2) *5 centimeters (2 inches) if the horizontal distance of the table top under the EQUIPMENT is no more than 7.5 centimeters (3 inches) from the point of access for cleaning.*

**4-5            MAINTENANCE AND OPERATION**

***Subparts***

- 4-501            Equipment**
- 4-502            Utensils and Temperature and Pressure Measuring Devices**

***Equipment***

**4-501.11            Good Repair and Proper Adjustment.**

- (A) EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.
- (B) EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (C) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate FOOD when the container is opened.

**4-501.12            Cutting Surfaces.**

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced.



#### **4-501.13      Microwave Ovens.**

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 Microwave ovens.

#### **4-501.14      Warewashing Equipment, Cleaning Frequency.**

A WAREWASHING machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing EQUIPMENT, UTENSILS, or raw FOODS, or laundering wiping cloths; and drainboards or other EQUIPMENT used to substitute for drainboards as specified under § 4-301.13 shall be cleaned:

- (A) Before use;
- (B) Throughout the day at a frequency necessary to prevent recontamination of EQUIPMENT and UTENSILS and to ensure that the EQUIPMENT performs its intended function; and
- (C) If used, at least every 24 hours.

#### **4-501.15      Warewashing Machines, Manufacturers' Operating Instructions.**

(A) A WAREWASHING machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(B) A WAREWASHING machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

#### **4-501.16      Warewashing Sinks, Use Limitation.**

(A) A WAREWASHING sink may not be used for handwashing or dumping mop water.

(B) If a WAREWASHING sink is used to wash wiping cloths, wash produce, or thaw FOOD, the sink shall be cleaned as specified under § 4-501.14 before and after each time it is used to wash wiping cloths or wash produce or thaw FOOD. Sinks used to wash or thaw

FOOD shall be SANITIZED as specified under Part 4-7 before and after using the sink to wash produce or thaw FOOD.

**4-501.17      Warewashing Equipment, Cleaning Agents.**

When used for WAREWASHING, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instructions.

**4-501.18      Warewashing Equipment, Clean Solutions.**

The wash, rinse, and SANITIZE solutions shall be maintained clean.

**4-501.19      Manual Warewashing Equipment, Wash Solution Temperature.**

The temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.

**4-501.110      Mechanical Warewashing Equipment, Wash Solution Temperature.**

(A) The temperature of the wash solution in spray type warewashers that use hot water to SANITIZE may not be less than:

- (1) For a stationary rack, single temperature machine, 74°C (165°F);
- (2) For a stationary rack, dual temperature machine, 66°C (150°F);
- (3) For a single tank, conveyor, dual temperature machine, 71°C (160°F); or
- (4) For a multitank, conveyor, multitemperature machine, 66°C (150°F).

(B) The temperature of the wash solution in spray-type warewashers that use chemicals to SANITIZE may not be less than 49°C (120°F).

**4-501.111 Manual Warewashing Equipment, Hot Water Sanitization Temperatures.\***

If immersion in hot water is used for SANITIZING in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above.

**4-501.112 Mechanical Warewashing Equipment, Hot Water Sanitization Temperatures.**

(A) Except as specified in ¶ (B) of this section, in a mechanical operation, the temperature of the fresh hot water SANITIZING rinse as it enters the manifold may not be more than 90°C (194°F), or less than:

(1) For a stationary rack, single temperature machine, 74°C (165°F); or

(2) For all other machines, 82°C (180°F).

*(B) The maximum temperature specified under ¶ (A) of this section, does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and SANITIZING of EQUIPMENT such as meat saws.*

**4-501.113 Mechanical Warewashing Equipment, Sanitization Pressure.**

The flow pressure of the fresh hot water SANITIZING rinse in a WAREWASHING machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water SANITIZING rinse control valve.

**4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness.\***

A chemical SANITIZER used in a SANITIZING solution for a manual or mechanical operation at exposure times specified under ¶ 4-703.11(C) shall be listed in 21 CFR 178.1010 Sanitizing solutions, shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

(A) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum Concentration	Minimum Temperature	
mg/L	pH 10 or less °C (°F)	pH 8 or less °C (°F)
25	49 (120)	49 (120)
50	38 (100)	24 ( 75)
100	13 ( 55)	13 ( 55)

(B) An iodine solution shall have a:

- (1) Minimum temperature of 24°C (75°F),
- (2) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and
- (3) Concentration between 12.5 mg/L and 25 mg/L;

(C) A quaternary ammonium compound solution shall:

- (1) Have a minimum temperature of 24°C (75°F),
- (2) Have a concentration as specified under § 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, and

(3) Be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the manufacturer's label;

(D) If another solution of a chemical specified under ¶¶ (A)-(C) of this section is used, the PERMIT HOLDER shall demonstrate to the REGULATORY AUTHORITY that the solution achieves SANITIZATION and the use of the solution shall be APPROVED; or

(E) If a chemical SANITIZER other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.

#### **4-501.115 Manual Warewashing Equipment, Chemical Sanitization Using Detergent-Sanitizers.**

If a detergent-SANITIZER is used to SANITIZE in a cleaning and SANITIZING procedure where there is no distinct water rinse between the washing and SANITIZING steps, the agent applied in the SANITIZING step shall be the same detergent-SANITIZER that is used in the washing step.

#### **4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration.**

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.

#### ***Utensils and Temperature and Pressure Measuring Devices***

#### **4-502.11 Good Repair and Calibration.**

(A) UTENSILS shall be maintained in a state of repair or condition that complies with the requirements specified under Parts 4-1 and 4-2 or shall be discarded.

(B) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

(C) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and be accurate within the intended range of use.

**4-502.12      Single-Service and Single-Use Articles, Required Use.\***

A FOOD ESTABLISHMENT without facilities specified under Parts 4-6 and 4-7 for cleaning and SANITIZING kitchenware and TABLEWARE shall provide only SINGLE-USE KITCHENWARE, SINGLE-SERVICE ARTICLES, and SINGLE-USE ARTICLES for use by FOOD EMPLOYEES and SINGLE-SERVICE ARTICLES for use by CONSUMERS.

**4-502.13      Single-Service and Single-Use Articles, Use Limitation.**

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused.

(B) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

**4-502.14      Shells, Use Limitation.**

Mollusk and crustacea shells may not be used more than once as serving containers.

**4-6            CLEANING OF EQUIPMENT AND UTENSILS**

***Subparts***

<b>4-601</b>	<b>Objective</b>
<b>4-602</b>	<b>Frequency</b>
<b>4-603</b>	<b>Methods</b>

***Objective***

**4-601.11      Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.\***

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.

(B) The FOOD-CONTACT SURFACES of cooking EQUIPMENT and pans shall be kept free of encrusted grease deposits and other soil accumulations.<sup>N</sup>

(C) NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris.<sup>N</sup>

**Frequency**

**4-602.11 Equipment Food-Contact Surfaces and Utensils.\***

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned:

(1) Except as specified in ¶ (B) of this section, before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY;

(2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS;

(3) Between uses with raw fruits and vegetables and with POTENTIALLY HAZARDOUS FOOD;

(4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE; and

(5) At any time during the operation when contamination may have occurred.

*(B) Subparagraph (A)(1) of this section does not apply if raw animal FOODS that require cooking temperatures specified under Subparagraph 3-401.11(A)(3) are prepared after FOODS that require cooking temperatures specified under Subparagraphs 3-401.11(A)(1) and (2) and ¶ 3-401.11(B).*

(C) Except as specified in ¶ (D) of this section, if used with POTENTIALLY HAZARDOUS FOOD, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be cleaned throughout the day at least every 4 hours.

*(D) Surfaces of UTENSILS and EQUIPMENT contacting POTENTIALLY HAZARDOUS FOOD may be cleaned less frequently than every 4 hours if:*

(1) *In storage, containers of POTENTIALLY HAZARDOUS FOOD and their contents are maintained at temperatures specified under Chapter 3 and the containers are cleaned when they are empty;*

(2) *UTENSILS and EQUIPMENT are used to prepare FOOD in a refrigerated room that maintains the UTENSILS, EQUIPMENT, and FOOD under preparation at temperatures specified under Chapter 3 and the UTENSILS and EQUIPMENT are cleaned at least every 24 hours;*

(3) *Containers in serving situations such as salad bars, delis, and cafeteria lines hold READY-TO-EAT POTENTIALLY HAZARDOUS FOOD that is maintained at the temperatures specified under Chapter 3, are intermittently combined with additional supplies of the same FOOD that is at the required temperature, and the containers are cleaned at least every 24 hours;*

(4) *TEMPERATURE MEASURING DEVICES are maintained in contact with FOOD, such as when left in a container of deli FOOD or in a roast, held at temperatures specified under Chapter 3;*

(5) *EQUIPMENT is used for storage of PACKAGED or UNPACKAGED FOOD such as a reach-in refrigerator and the EQUIPMENT is cleaned at a frequency necessary to preclude accumulation of soil residues; or*

(6) *The cleaning schedule is APPROVED based on consideration of:*

(a) *Characteristics of the EQUIPMENT and its use,*

(b) *The type of FOOD involved,*

(c) *The amount of FOOD residue accumulation, and*

(d) *The temperature at which the FOOD is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.*

(E) *Except when dry cleaning methods are used as specified under § 4-603.11, surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS shall be cleaned:<sup>N</sup>*

(1) *At any time when contamination may have occurred;*



(2) At least every 24 hours for iced tea dispensers and CONSUMER self-service UTENSILS such as tongs, scoops, or ladles;

(3) Before restocking CONSUMER self-service EQUIPMENT and UTENSILS such as condiment dispensers and display containers;

(4) EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, BEVERAGE dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT:

(a) At a frequency specified by the manufacturer, or

(b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

#### **4-602.12      Cooking and Baking Equipment.**

(A) The FOOD-CONTACT SURFACES of cooking and baking EQUIPMENT shall be cleaned at least every 24 hours. *This section does not apply to hot oil cooking and filtering EQUIPMENT if it is cleaned as specified in Subparagraph 4-602.11(D)(6).*

(B) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

#### **4-602.13      Nonfood-Contact Surfaces.**

NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

### **Methods**

#### **4-603.11      Dry Cleaning.**

(A) If used, dry cleaning methods such as brushing, scraping, and vacuuming shall contact only SURFACES that are soiled with dry FOOD residues that are not POTENTIALLY HAZARDOUS.

(B) Cleaning EQUIPMENT used in dry cleaning FOOD-CONTACT SURFACES may not be used for any other purpose.

#### **4-603.12      Precleaning.**

(A) FOOD debris on EQUIPMENT and UTENSILS shall be scrapped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a WAREWASHING machine with a prewash cycle.

(B) If necessary for effective cleaning, UTENSILS and EQUIPMENT shall be preflushed, presoaked, or scrubbed with abrasives.

#### **4-603.13      Loading of Soiled Items, Warewashing Machines.**

Soiled items to be cleaned in a WAREWASHING machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

(A) Exposes the items to the unobstructed spray from all cycles;  
and

(B) Allows the items to drain.

#### **4-603.14      Wet Cleaning.**

(A) EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(B) The washing procedures selected shall be based on the type and purpose of the EQUIPMENT or UTENSIL, and on the type of soil to be removed.

#### **4-603.15      Washing, Procedures for Alternative Manual Warewashing Equipment.**

If washing in sink compartments or a WAREWASHING machine is impractical such as when the EQUIPMENT is fixed or the UTENSILS are

too large, washing shall be done by using alternative manual WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C) in accordance with the following procedures:

- (A) EQUIPMENT shall be disassembled as necessary to allow access of the detergent solution to all parts;
- (B) EQUIPMENT components and UTENSILS shall be scrapped or rough cleaned to remove FOOD particle accumulation; and
- (C) EQUIPMENT and UTENSILS shall be washed as specified under ¶ 4-603.14(A).

#### **4-603.16 Rinsing Procedures.**

Washed UTENSILS and EQUIPMENT shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-SANITIZER solution by using one of the following procedures:

- (A) Use of a distinct, separate water rinse after washing and before SANITIZING if using:
  - (1) A 3-compartment sink,
  - (2) Alternative manual WAREWASHING EQUIPMENT equivalent to a 3-compartment sink as specified in ¶ 4-301.12(C), or
  - (3) A 3-step washing, rinsing, and SANITIZING procedure in a WAREWASHING system for CIP EQUIPMENT;
- (B) Use of a detergent-SANITIZER as specified under § 4-501.115 if using:
  - (1) Alternative WAREWASHING EQUIPMENT as specified in ¶ 4-301.12(C) that is APPROVED for use with a detergent-SANITIZER, or
  - (2) A WAREWASHING system for CIP EQUIPMENT;
- (C) Use of a nondistinct water rinse that is integrated in the hot water SANITIZATION immersion step of a 2-compartment sink operation;

(D) If using a WAREWASHING machine that does not recycle the SANITIZING solution as specified under ¶ (E) of this section, or alternative manual WAREWASHING EQUIPMENT such as sprayers, use of a nondistinct water rinse that is:

- (1) Integrated in the application of the SANITIZING solution, and
- (2) Wasted immediately after each application; or

(E) If using a WAREWASHING machine that recycles the SANITIZING solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the SANITIZING solution.

#### **4-603.17      Returnables, Cleaning for Refilling.\***

(A) Except as specified in ¶¶ (B) and (C) of this section, returned empty containers intended for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.

*(B) A FOOD-specific container for BEVERAGES may be refilled at a FOOD ESTABLISHMENT if:*

- (1) Only a BEVERAGE that is not a POTENTIALLY HAZARDOUS FOOD is used as specified under ¶ 3-304.17(A);*
- (2) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;*
- (3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*
- (4) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and*
- (5) The container is refilled by:*
  - (1) An EMPLOYEE of the FOOD ESTABLISHMENT, or*

(2) *The owner of the container if the BEVERAGE system includes a contamination-free transfer process that can not be bypassed by the container owner.*

(C) *CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.*

## **4-7 SANITIZATION OF EQUIPMENT AND UTENSILS**

### ***Subparts***

<b>4-701</b>	<b>Objective</b>
<b>4-702</b>	<b>Frequency</b>
<b>4-703</b>	<b>Methods</b>

### ***Objective***

#### **4-701.10 Food-Contact Surfaces and Utensils.**

EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED.

### ***Frequency***

#### **4-702.11 Before Use After Cleaning.\***

UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.

### ***Methods***

#### **4-703.11 Hot Water and Chemical.\***

After being cleaned, EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be SANITIZED in:

(A) Hot water manual operations by immersion for at least 30 seconds as specified under § 4-501.111;

(B) Hot water mechanical operations by being cycled through EQUIPMENT that is set up as specified under §§ 4-501.15, 4-501.112, and 4-501.113 and achieving a UTENSIL surface temperature of 71°C (160°F) as measured by an irreversible registering temperature indicator; or

(C) Chemical manual or mechanical operations, including the application of SANITIZING chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under § 4-501.114 by providing:

- (1) Except as specified under Subparagraph (C)(2) of this section, an exposure time of at least 10 seconds for a chlorine solution specified under ¶ 4-501.114(A),
- (2) An exposure time of at least 7 seconds for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 38°C (100°F) or a pH of 8 or less and a temperature of at least 24°C (75°F),
- (3) An exposure time of at least 30 seconds for other chemical SANITIZING solutions, or
- (4) An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields SANITIZATION as defined in Subparagraph 1-201.10(B)(70).

4-8	LAUNDERING	
	<i>Subparts</i>	
	4-801	Objective
	4-802	Frequency
	4-803	Methods

**Objective**                      **4-801.11      Clean Linens.**

Clean LINENS shall be free from FOOD residues and other soiling matter.

**Frequency**                      **4-802.11      Specifications.**

(A) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.

(B) Cloth gloves used as specified in ¶ 3-304.15(D) shall be laundered before being used with a different type of raw animal FOOD such as beef, lamb, pork, and FISH.

(C) LINENS and napkins that are used as specified under § 3-304.13 and cloth napkins shall be laundered between each use.

(D) Wet wiping cloths shall be laundered before being used with a fresh solution of cleanser or sanitizer.

(E) Dry wiping cloths shall be laundered as necessary to prevent contamination of FOOD and clean serving UTENSILS.

## **Methods**

### **4-803.11 Storage of Soiled Linens.**

Soiled LINENS shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of FOOD, clean EQUIPMENT, clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

### **4-803.12 Mechanical Washing.**

(A) Except as specified in ¶ (B) of this section, LINENS shall be mechanically washed.

*(B) In FOOD ESTABLISHMENTS in which only wiping cloths are laundered as specified in ¶ 4-301.15(B), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths, or a WAREWASHING or FOOD preparation sink that is cleaned as specified under § 4-501.14.*

### **4-803.13 Use of Laundry Facilities.**

(A) Except as specified in ¶ (B) of this section, laundry facilities on the PREMISES of a FOOD ESTABLISHMENT shall be used only for the washing and drying of items used in the operation of the establishment.

*(B) Separate laundry facilities located on the PREMISES for the purpose of general laundering such as for institutions providing boarding and lodging may also be used for laundering FOOD ESTABLISHMENT items.*

## **4-9 PROTECTION OF CLEAN ITEMS**

### ***Subparts***

<b>4-901</b>	<b>Drying</b>
<b>4-902</b>	<b>Lubricating and Reassembling</b>
<b>4-903</b>	<b>Storing</b>
<b>4-904</b>	<b>Handling</b>

### ***Drying***

#### **4-901.11 Equipment and Utensils, Air-Drying Required.**

After cleaning and SANITIZING, EQUIPMENT and UTENSILS:

(A) Shall be air-dried or used after adequate draining as specified in ¶ (a) of 21 CFR 178.1010 Sanitizing solutions, before contact with FOOD; and

(B) May not be cloth dried *except that UTENSILS that have been air-dried may be polished with cloths that are maintained clean and dry.*

#### **4-901.12 Wiping Cloths, Air-Drying Locations.**

Wiping cloths laundered in a FOOD ESTABLISHMENT that does not have a mechanical clothes dryer as specified in ¶ 4-301.15(B) shall be air-dried in a location and in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and the wiping cloths. *This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under § 4-501.114.*

### ***Lubricating and Reassembling***

#### **4-902.11 Food-Contact Surfaces.**

Lubricants shall be applied to FOOD-CONTACT SURFACES that require lubrication in a manner that does not contaminate FOOD-CONTACT SURFACES.



#### **4-902.12 Equipment.**

EQUIPMENT shall be reassembled so that FOOD-CONTACT SURFACES are not contaminated.

#### **Storing**

#### **4-903.11 Equipment, Utensils, Linens, and Single-Service and Single-Use Articles.**

(A) Except as specified in ¶ (D) of this section, cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored:

- (1) In a clean, dry location;
- (2) Where they are not exposed to splash, dust, or other contamination; and
- (3) At least 15 cm (6 inches) above the floor.

(B) Clean EQUIPMENT and UTENSILS shall be stored as specified under ¶ (A) of this section and shall be stored:

- (1) In a self-draining position that allows air drying; and
- (2) Covered or inverted.

(C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored as specified under ¶ (A) of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

*(D) Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids that are designed as provided under § 4-204.121.*

#### **4-903.12 Prohibitions.**

(A) Except as specified in ¶ (B) of this section, cleaned and SANITIZED EQUIPMENT, UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES may not be stored:

- (1) In locker rooms;

- (2) In toilet rooms;
- (3) In garbage rooms;
- (4) In mechanical rooms;
- (5) Under sewer lines that are not shielded to intercept potential drips;
- (6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- (7) Under open stairwells; or
- (8) Under other sources of contamination.

*(B) Laundered LINENS and SINGLE-SERVICE and SINGLE-USE ARTICLES that are PACKAGED or in a facility such as a cabinet may be stored in a locker room.*

## **Handling**

### **4-904.11 Kitchenware and Tableware.**

(A) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS shall be handled, displayed, and dispensed so that contamination of FOOD- and lip-contact surfaces is prevented.

(B) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by EMPLOYEES and by CONSUMERS if CONSUMER self-service is provided.

(C) Except as specified under ¶ (B) of this section, SINGLE-SERVICE ARTICLES that are intended for FOOD- or lip-contact shall be furnished for CONSUMER self-service with the original individual wrapper intact or from an APPROVED dispenser.

### **4-904.12 Soiled and Clean Tableware.**

Soiled TABLEWARE shall be removed from CONSUMER eating and drinking areas and handled so that clean TABLEWARE is not contaminated.

#### **4-904.13      Preset Tableware.**

IF TABLEWARE is preset:

- (A) It shall be protected from contamination by being wrapped, covered, or inverted;
- (B) Exposed, unused settings shall be removed when a CONSUMER is seated; or
- (C) Exposed, unused settings shall be cleaned and SANITIZED before further use if the settings are not removed when a CONSUMER is seated.

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# Water, Plumbing, and Waste

Parts

- 5-1 WATER
- 5-2 PLUMBING SYSTEM
- 5-3 MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT WATER TANK
- 5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER
- 5-5 REFUSE, RECYCLABLES, AND RETURNABLES

5-1 WATER

*Subparts*

- 5-101 Source
- 5-102 Quality
- 5-103 Quantity and Availability
- 5-104 Distribution, Delivery, and Retention

**Source**                      **5-101.11      Approved System.\***

DRINKING WATER shall be obtained from an APPROVED source that is:

(A) A PUBLIC WATER SYSTEM; or

(B) A nonPUBLIC WATER SYSTEM that is constructed, maintained, and operated according to LAW.

### **5-101.12 System Flushing and Disinfection.\***

A DRINKING WATER system shall be flushed and disinfected before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

### **5-101.13 Bottled Drinking Water.\***

BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with 21 CFR 129 - Processing and Bottling of Bottled DRINKING WATER.

## **Quality**

### **5-102.11 Standards.\***

Except as specified under § 5-102.12:

(A) Water from a PUBLIC WATER SYSTEM shall meet 40 CFR 141 - National Primary Drinking Water Regulations and state DRINKING WATER quality standards; and

(B) Water from a nonPUBLIC WATER SYSTEM shall meet state DRINKING WATER quality standards.

### **5-102.12 Nondrinking Water.\***

(A) A nonDRINKING WATER supply shall be used only if its use is APPROVED.

(B) NonDRINKING WATER shall be used only for nonculinary purposes such as air conditioning, nonFOOD EQUIPMENT cooling, fire protection, and irrigation.

### **5-102.13 Sampling.**

Except when used as specified under § 5-102.12, water from a nonPUBLIC WATER SYSTEM shall be sampled and tested at least annually and as required by state water quality regulations.

#### **5-102.14 Sample Report.**

The most recent sample report for the nonPUBLIC WATER SYSTEM shall be retained on file in the FOOD ESTABLISHMENT or the report shall be maintained as specified by state water quality regulations.

#### ***Quantity and Availability***

#### **5-103.11 Capacity.\***

The water source and system shall be of sufficient capacity to meet the water demands of the FOOD ESTABLISHMENT.

#### **5-103.12 Pressure.**

Water under pressure shall be provided to all fixtures, EQUIPMENT, and nonFOOD EQUIPMENT that are required to use water *except that water supplied as specified under ¶¶ 5-104.12(A) and (B) to a TEMPORARY FOOD ESTABLISHMENT or in response to a temporary interruption of a water supply need not be under pressure.*

#### **5-103.13 Hot Water.**

Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the FOOD ESTABLISHMENT.

#### ***Distribution Delivery, and Retention***

#### **5-104.11 System.**

Water shall be received from the source through the use of:

- (A) An APPROVED public water main; or
- (B) One or more of the following that shall be constructed, maintained, and operated according to LAW:
  - (1) Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances,
  - (2) Water transport vehicles, and
  - (3) Water containers.

## **5-104.12      Alternative Water Supply.**

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a TEMPORARY FOOD ESTABLISHMENT without a permanent water supply, and for a FOOD ESTABLISHMENT with a temporary interruption of its water supply through:

- (A) A supply of containers of commercially BOTTLED DRINKING WATER;
- (B) One or more closed portable water containers;
- (C) An enclosed vehicular water tank;
- (D) An on-PREMISES water storage tank; or
- (E) Piping, tubing, or hoses connected to an adjacent APPROVED source.

### **5-2            PLUMBING SYSTEM**

#### ***Subparts***

<b>5-201</b>	<b>Materials</b>
<b>5-202</b>	<b>Design, Construction, and Installation</b>
<b>5-203</b>	<b>Numbers and Capacities</b>
<b>5-204</b>	<b>Location and Placement</b>
<b>5-205</b>	<b>Operation and Maintenance</b>

#### ***Materials***

### **5-201.11      Approved.\***

- (A) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to LAW.
- (B) A water filter shall be made of SAFE MATERIALS.



***Design,  
Construction,  
and Installation***

**5-202.11 Approved System and Cleanable Fixtures.\***

(A) A PLUMBING SYSTEM shall be designed, constructed, and installed according to LAW.

(B) A PLUMBING FIXTURE such as a handwashing lavatory, toilet, or urinal shall be EASILY CLEANABLE.<sup>N</sup>

**5-202.12 Handwashing Lavatory, Water Temperature, and Flow.**

(A) A handwashing lavatory shall be equipped to provide water at a temperature of at least 43°C (110°F) through a mixing valve or combination faucet.

(B) A steam mixing valve may not be used at a handwashing lavatory.

(C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

**5-202.13 Backflow Prevention, Air Gap.\***

An air gap between the water supply inlet and the flood level rim of the PLUMBING FIXTURE, EQUIPMENT, or nonFOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).

**5-202.14 Backflow Prevention Device, Design Standard.**

A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.

**5-202.15 Conditioning Device, Design.**

A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for

periodic servicing and cleaning. A water filter element shall be of the replaceable type.

**Numbers and  
Capacities**

**5-203.11 Handwashing Lavatory.\***

(A) Except as specified in ¶ (B) of this section, at least 1 handwashing lavatory, a number of handwashing lavatories necessary for their convenient use by EMPLOYEES in areas specified under § 5-204.11, and not fewer than the number of handwashing lavatories required by LAW shall be provided.

*(B) If APPROVED, when FOOD exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or TEMPORARY FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, EMPLOYEES may use chemically treated towelettes for handwashing.*

**5-203.12 Toilets and Urinals.\***

At least 1 toilet and not fewer than the toilets required by LAW shall be provided. If authorized by LAW and urinals are substituted for toilets, the substitution shall be done as specified in LAW.

**5-203.13 Service Sink.**

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. [Amended by 481 IAC 31.1(9)]

**5-203.14 Backflow Prevention Device, When Required.\***

A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by [Amended by 481 IAC 31.1(11)]:

(A) Providing an air gap as specified under § 5-202.13; or

(B) Installing an APPROVED backflow prevention device as specified under § 5-202.14.

**5-203.15 Backflow Prevention Device, Carbonator.\***

Amended by Iowa Code section 137F.2(11): "A carbonating device in a food establishment shall have a dual check valve which shall be installed so that upstream from the carbonating device and downstream from any copper in the supply line."

***Location and Placement***

**5-204.11 Handwashing Lavatory.\***

A handwashing lavatory shall be located:

(A) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas; and

(B) In, or immediately adjacent to, toilet rooms.

**5-204.12 Backflow Prevention Device, Location.**

A backflow prevention device shall be located so that it may be serviced and maintained.

**5-204.13 Conditioning Device, Location.**

A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

***Operation and Maintenance***

**5-205.11 Using a Handwashing Lavatory.**

(A) A handwashing lavatory shall be maintained so that it is accessible at all times for EMPLOYEE use.

(B) A handwashing lavatory may not be used for purposes other than handwashing.

**5-205.12 Prohibiting a Cross Connection.\***

(A) *Except as specified in 9 CFR 308.3(d) for firefighting*, a PERSON may not create a cross connection by connecting a pipe or conduit

between the DRINKING WATER system and a nonDRINKING WATER SYSTEM or a water system of unknown quality.

(B) The piping of a nonDRINKING WATER SYSTEM shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.<sup>N</sup>

#### **5-205.13      Scheduling Inspection and Service for a Water System Device.**

A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE.

#### **5-205.14      Water Reservoir of Fogging Devices, Cleaning.\***

(A) A reservoir that is used to supply water to a device such as a produce fogger shall be:

- (1) Maintained in accordance with manufacturer's specifications; and
- (2) Cleaned in accordance with manufacturer's specifications or according to the procedures specified under ¶ (B) of this section, whichever is more stringent.

(B) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

- (1) Draining and complete disassembly of the water and aerosol contact parts;
- (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
- (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 mg/L hypochlorite solution.

**5-205.15      System Maintained in Good Repair.\***

A PLUMBING SYSTEM shall be:

- (A) Repaired according to LAW; and
- (B) Maintained in good repair.<sup>s</sup>

**5-3            MOBILE WATER TANK AND MOBILE FOOD ESTABLISHMENT  
WATER TANK**

***Subparts***

<b>5-301</b>	<b>Materials</b>
<b>5-302</b>	<b>Design and Construction</b>
<b>5-303</b>	<b>Numbers and Capacities</b>
<b>5-304</b>	<b>Operation and Maintenance</b>

***Materials***

**5-301.11      Approved.**

Materials that are used in the construction of a mobile water tank, mobile FOOD ESTABLISHMENT water tank, and appurtenances shall be:

- (A) Safe;
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent; and
- (C) Finished to have a SMOOTH, EASILY CLEANABLE surface.

***Design and  
Construction***

**5-302.11      Enclosed System, Sloped to Drain.**

A mobile water tank shall be:

- (A) Enclosed from the filling inlet to the discharge outlet; and
- (B) Sloped to an outlet that allows complete drainage of the tank.

**5-302.12      Inspection and Cleaning Port, Protected and Secured.**

If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (A) Flanged upward at least 13 mm (one-half inch); and
- (B) Equipped with a port cover assembly that is:
  - (1) Provided with a gasket and a device for securing the cover in place, and
  - (2) Flanged to overlap the opening and sloped to drain.

**5-302.13      "V" Type Threads, Use Limitation.**

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

**5-302.14      Tank Vent, Protected.**

If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (A) 16 mesh to 25.4 mm (16 mesh to 1 inch) screen or equivalent when the vent is in a protected area; or
- (B) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

**5-302.15      Inlet and Outlet, Sloped to Drain.**

- (A) A water tank and its inlet and outlet shall be sloped to drain.
- (B) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

**5-302.16      Hose, Construction and Identification.**

A hose used for conveying DRINKING WATER from a water tank shall be:

- (A) Safe;
- (B) Durable, CORROSION-RESISTANT, and nonabsorbent;
- (C) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (D) Finished with a SMOOTH interior surface; and
- (E) Clearly and durably identified as to its use if not permanently attached.

***Numbers and  
Capacities***

**5-303.11      Filter, Compressed Air.**

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and DRINKING WATER system when compressed air is used to pressurize the water tank system.

**5-303.12      Protective Cover or Device.**

A cap and keeper chain, closed cabinet, closed storage tube, or other APPROVED protective cover or device shall be provided for a water inlet, outlet, and hose.

**5-303.13      Mobile Food Establishment Tank Inlet.**

A mobile FOOD ESTABLISHMENT'S water tank inlet shall be:

- (A) 19.1 mm (three-fourths inch) in inner diameter or less; and
- (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

**Operation and  
Maintenance**

**5-304.11 System Flushing and Disinfection.\***

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

**5-304.12 Using a Pump and Hoses, Backflow Prevention.**

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

**5-304.13 Protecting Inlet, Outlet, and Hose Fitting.**

If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified under § 5-303.12.

**5-304.14 Tank, Pump, and Hoses, Dedication.**

(A) Except as specified in ¶ (B) of this section, a water tank, pump, and hoses used for conveying DRINKING WATER shall be used for no other purpose.

*(B) Water tanks, pumps, and hoses APPROVED for liquid FOODS may be used for conveying DRINKING WATER if they are cleaned and SANITIZED before they are used to convey water.*



## **5-4 SEWAGE, OTHER LIQUID WASTE, AND RAINWATER**

### ***Subparts***

<b>5-401</b>	<b>Mobile Holding Tank</b>
<b>5-402</b>	<b>Retention, Drainage, and Delivery</b>
<b>5-403</b>	<b>Disposal Facility</b>

#### ***Mobile Holding Tank***

##### **5-401.11 Capacity and Drainage.**

A SEWAGE holding tank in a mobile FOOD ESTABLISHMENT shall be:

(A) Sized 15 percent larger in capacity than the water supply tank; and

(B) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.

#### ***Retention, Drainage, and Delivery***

*design,  
construction and  
installation*

##### **5-402.10 Establishment Drainage System.**

FOOD ESTABLISHMENT drainage systems, including grease traps, that convey SEWAGE shall be designed and installed as specified under ¶ 5-202.11(A).

##### **5-402.11 Backflow Prevention.\***

(A) Except as specified in ¶¶ (B) and (C) of this section, a direct connection may not exist between the SEWAGE system and a drain originating from EQUIPMENT in which FOOD, portable EQUIPMENT, or UTENSILS are placed.

*(B) If allowed by LAW, a WAREWASHING machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 m (5 feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.*

*(C) If allowed by LAW, a WAREWASHING or culinary sink may have a direct connection. [Amended by 481 IAC 31.1(12)]*

*location and  
placement*

**5-402.12 Grease Trap.**

If used, a grease trap shall be located to be easily accessible for cleaning.

*operation and  
maintenance*

**5-402.13 Conveying Sewage.\***

SEWAGE shall be conveyed to the point of disposal through an APPROVED sanitary SEWAGE system or other system, including use of SEWAGE transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to LAW.

**5-402.14 Removing Mobile Food Establishment Wastes.**

SEWAGE and other liquid wastes shall be removed from a mobile FOOD ESTABLISHMENT at an APPROVED waste SERVICING AREA or by a SEWAGE transport vehicle in such a way that a public health HAZARD or nuisance is not created.

**5-402.15 Flushing a Waste Retention Tank.**

A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

***Disposal Facility***

**5-403.11 Approved Sewage Disposal System.\***

*design and  
construction*

SEWAGE shall be disposed through an APPROVED facility that is:

(A) A public SEWAGE treatment plant; or

(B) An individual SEWAGE disposal system that is sized, constructed, maintained, and operated according to LAW.

**5-403.12 Other Liquid Wastes and Rainwater.**

Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to LAW.

## **5-5 REFUSE, RECYCLABLES, AND RETURNABLES**

### ***Subparts***

<b>5-501</b>	<b>Facilities on the Premises</b>
<b>5-502</b>	<b>Removal</b>
<b>5-503</b>	<b>Facilities for Disposal and Recycling</b>

### ***Facilities on the Premises***

*materials, design construction, and installation*

#### **5-501.10 Indoor Storage Area.**

If located within the FOOD ESTABLISHMENT, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under §§ 6-101.11, 6-201.11 - 6-201.18, 6-202.15, and 6-202.16.

#### **5-501.11 Outdoor Storage Surface.**

An outdoor storage surface for REFUSE, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be SMOOTH, durable, and sloped to drain.

#### **5-501.12 Outdoor Enclosure.**

If used, an outdoor enclosure for REFUSE, recyclables, and returnables shall be constructed of durable and cleanable materials.

#### **5-501.13 Receptacles.**

(A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing FOOD residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

(B) *Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the FOOD ESTABLISHMENT, or within closed outside receptacles.*

#### **5-501.14      Receptacles in Vending Machines.**

A REFUSE receptacle may not be located within a VENDING MACHINE, *except that a receptacle for BEVERAGE bottle crown closures may be located within a VENDING MACHINE.*

#### **5-501.15      Outside Receptacles.**

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT shall be designed and constructed to have tight-fitting lids, doors, or covers.

(B) Receptacles and waste handling units for REFUSE and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

*numbers and  
capacities*

#### **5-501.16      Storage Areas, Rooms, and Receptacles, Capacity and Availability.**

(A) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold REFUSE, recyclables, and returnables that accumulate.

(B) A receptacle shall be provided in each area of the FOOD ESTABLISHMENT or PREMISES where REFUSE is generated or commonly discarded, or where recyclables or returnables are placed.

(C) If disposable towels are used at handwashing lavatories, a waste receptacle shall be located at each lavatory or group of adjacent lavatories.

**5-501.17 Toilet Room Receptacle, Covered.**

A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

**5-501.18 Cleaning Implements and Supplies.**

(A) Except as specified in ¶ (B) of this section, suitable cleaning implements and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for REFUSE, recyclables, and returnables.

*(B) If APPROVED, off-PREMISES-based cleaning services may be used if on-PREMISES cleaning implements and supplies are not provided.*

*location and  
placement*

**5-501.19 Storage Areas, Redeeming Machines, Receptacles and Waste Handling Units, Location.**

(A) An area designated for REFUSE, recyclables, returnables, and, except as specified in ¶ (B) of this section, a redeeming machine for recyclables or returnables shall be located so that it is separate from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES and a public health HAZARD or nuisance is not created.

*(B) A redeeming machine may be located in the PACKAGED FOOD storage area or CONSUMER area of a FOOD ESTABLISHMENT if FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are not subject to contamination from the machines and a public health HAZARD or nuisance is not created.*

(C) The location of receptacles and waste handling units for REFUSE, recyclables, and returnables may not create a public health HAZARD or nuisance or interfere with the cleaning of adjacent space.

*operation and  
maintenance*

**5-501.110 Storing Refuse, Recyclables, and Returnables.**

REFUSE, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

#### **5-501.111 Areas, Enclosures, and Receptacles, Good Repair.**

Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.

#### **5-501.112 Outside Storage Prohibitions.**

(A) Except as specified in ¶ (B) of this section, REFUSE receptacles not meeting the requirements specified under ¶ 5-501.13(A) such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with FOOD residue may not be stored outside.

*(B) Cardboard or other packaging material that does not contain FOOD residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.*

#### **5-501.113 Covering Receptacles.**

Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered:

(A) Inside the FOOD ESTABLISHMENT if the receptacles and units:

(1) Contain FOOD residue and are not in continuous use; or

(2) After they are filled; and

(B) With tight-fitting lids or doors if kept outside the FOOD ESTABLISHMENT.

#### **5-501.114 Using Drain Plugs.**

Drains in receptacles and waste handling units for REFUSE, recyclables, and returnables shall have drain plugs in place.

#### **5-501.115 Maintaining Refuse Areas and Enclosures.**

A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under § 6-501.114, and clean.

#### **5-501.116 Cleaning Receptacles.**

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, or SINGLE-SERVICE and SINGLE-USE ARTICLES, and waste water shall be disposed of as specified under § 5-402.14.

(B) Soiled receptacles and waste handling units for REFUSE, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

### ***Removal***

#### **5-502.11 Frequency.**

REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

#### **5-502.12 Receptacles or Vehicles.**

REFUSE, recyclables, and returnables shall be removed from the PREMISES by way of:

(A) Portable receptacles that are constructed and maintained according to LAW; or

(B) A transport vehicle that is constructed, maintained, and operated according to LAW.

### ***Facilities for Disposal and Recycling***

#### **5-503.11 Community or Individual Facility.**

Solid waste not disposed of through the SEWAGE system such as through grinders and pulpers shall be recycled or disposed of in an

APPROVED public or private community recycling or REFUSE facility; or solid waste shall be disposed of in an individual REFUSE facility such as a landfill or incinerator which is sized, constructed, maintained, and operated according to LAW.



Chapter

# 6

## Physical Facilities

Parts

- 6-1 MATERIALS FOR CONSTRUCTION AND REPAIR
- 6-2 DESIGN, CONSTRUCTION, AND INSTALLATION
- 6-3 NUMBERS AND CAPACITIES
- 6-4 LOCATION AND PLACEMENT
- 6-5 MAINTENANCE AND OPERATION

6-1 MATERIALS FOR CONSTRUCTION AND REPAIR

*Subparts*

- 6-101 Indoor Areas
- 6-102 Outdoor Areas

**Indoor Areas**

**6-101.11 Surface Characteristics.**

(A) Except as specified in ¶ (B) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

(1) SMOOTH, durable, and EASILY CLEANABLE for areas where FOOD ESTABLISHMENT operations are conducted;

(2) Closely woven and EASILY CLEANABLE carpet for carpeted areas; and

(3) Nonabsorbent for areas subject to moisture such as FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet rooms, mobile FOOD ESTABLISHMENT SERVICING AREAS, and areas subject to flushing or spray cleaning methods.

(B) *In a TEMPORARY FOOD ESTABLISHMENT:*

*(1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable APPROVED materials that are effectively treated to control dust and mud; and*

*(2) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.*

**Outdoor Areas**

**6-102.11 Surface Characteristics.**

(A) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

(B) Exterior surfaces of buildings and mobile FOOD ESTABLISHMENTS shall be of weather-resistant materials and shall comply with LAW.

(C) Outdoor storage areas for REFUSE, recyclables, or returnables shall be of materials specified under §§ 5-501.11 and 5-501.12.

**6-2 DESIGN, CONSTRUCTION, AND INSTALLATION**

***Subparts***

<b>6-201</b>	<b>Cleanability</b>
<b>6-202</b>	<b>Functionality</b>

***Cleanability***

**6-201.11 Floors, Walls, and Ceilings.**

Except as specified under § 6-201.14, the floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE, *except that antislip floor coverings or applications may be used for safety reasons.*

**6-201.12 Floors, Walls, and Ceilings, Utility Lines.**

- (A) Utility service lines and pipes may not be unnecessarily exposed.
- (B) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
- (C) Exposed horizontal utility service lines and pipes may not be installed on the floor.

**6-201.13 Floor and Wall Junctures, Coved, and Enclosed or Sealed.**

- (A) In FOOD ESTABLISHMENTS in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1 mm (one thirty-second inch).
- (B) The floors in FOOD ESTABLISHMENTS in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and SEALED.

**6-201.14 Floor Carpeting, Restrictions and Installation.**

- (A) A floor covering such as carpeting or similar material may not be installed as a floor covering in FOOD preparation areas, walk-in refrigerators, WAREWASHING areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, REFUSE storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.
- (B) If carpeting is installed as a floor covering in areas other than those specified under ¶ (A) of this section, it shall be:
  - (1) Securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and
  - (2) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

**6-201.15 Floor Covering, Mats and Duckboards.**

Mats and duckboards shall be designed to be removable and EASILY CLEANABLE.

**6-201.16 Wall and Ceiling Coverings and Coatings.**

(A) Wall and ceiling covering materials shall be attached so that they are EASILY CLEANABLE.

(B) *Except in areas used only for dry storage*, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and SEALED to provide a SMOOTH, nonabsorbent, EASILY CLEANABLE surface.

**6-201.17 Walls and Ceilings, Attachments.**

(A) Except as specified in ¶ (B) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be EASILY CLEANABLE.

(B) *In a CONSUMER area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.*

**6-201.18 Walls and Ceilings, Studs, Joists, and Rafters.**

Studs, joists, and rafters may not be exposed in areas subject to moisture. *This requirement does not apply to TEMPORARY FOOD ESTABLISHMENTS.*

**Functionality**

**6-202.11 Light Bulbs, Protective Shielding.**

(A) Except as specified in ¶ (B) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) *Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing FOOD in unopened packages, if.*

(1) *The integrity of the packages can not be affected by broken glass falling onto them; and*

(2) *The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.*

(C) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

#### **6-202.12 Heating, Ventilating, Air Conditioning System Vents.**

Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of FOOD, FOOD-CONTACT SURFACES, EQUIPMENT, or UTENSILS.

#### **6-202.13 Insect Control Devices, Design and Installation.**

(A) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

(B) Insect control devices shall be installed so that:

(1) The devices are not located over a FOOD preparation area; and

(2) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

#### **6-202.14 Toilet Rooms, Enclosed.**

A toilet room located on the PREMISES shall be completely enclosed and provided with a tight-fitting and self-closing door *except that this requirement does not apply to a toilet room that is located*

*outside a FOOD ESTABLISHMENT and does not open directly into the FOOD ESTABLISHMENT such as a toilet room that is provided by the management of a shopping mall.*

#### **6-202.15 Outer Openings, Protected.**

(A) Except as specified in ¶ (B) and under ¶ (C) of this section, outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by:

- (1) Filling or closing holes and other gaps along floors, walls and ceilings;
- (2) Closed, tight-fitting windows; and
- (3) Solid self-closing, tight-fitting doors.

*(B) Paragraph (A) of this section does not apply if a FOOD ESTABLISHMENT opens into a larger structure, such as a mall, airport, or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.*

(C) Except as specified in ¶¶ (B) and (D) of this section, if the windows or doors of a FOOD ESTABLISHMENT, or of a larger structure within which a FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes or a TEMPORARY FOOD ESTABLISHMENT is not provided with windows and doors as specified under ¶ (A) of this section, the openings shall be protected against the entry of insects and rodents by:

- (1) 16 mesh to 25.4mm (16 mesh to 1 inch) screens;
- (2) Properly designed and installed air curtains; or
- (3) Other effective means.

*(D) Paragraph (C) of this section does not apply if flying insects and other pests are absent due to the location of the ESTABLISHMENT, the weather, or other limiting condition.*

**6-202.16 Exterior Walls and Roofs, Protective Barrier.**

Perimeter walls and roofs of a FOOD ESTABLISHMENT shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

**6-202.17 Outdoor Food Vending Areas, Overhead Protection.**

If located outside, a machine used to vend FOOD shall be provided with overhead protection *except that machines vending canned BEVERAGES need not meet this requirement.*

**6-202.18 Outdoor Servicing Areas, Overhead Protection.**

SERVICING AREAS shall be provided with overhead protection *except that areas used only for the loading of water or the discharge of SEWAGE and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.*

**6-202.19 Outdoor Walking and Driving Surfaces, Graded to Drain.**

Exterior walking and driving surfaces shall be graded to drain.

**6-202.110 Outdoor Refuse Areas, Curbed and Graded to Drain.**

Outdoor REFUSE areas shall be constructed in accordance with LAW and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the REFUSE and from cleaning the area and waste receptacles.

**6-202.111 Private Homes and Living or Sleeping Quarters, Use Prohibition.**

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting FOOD ESTABLISHMENT operations.

## **6-202.112 Living or Sleeping Quarters, Separation.**

Living or sleeping quarters located on the PREMISES of a FOOD ESTABLISHMENT such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for FOOD ESTABLISHMENT operations by complete partitioning and solid self-closing doors.

### **6-3 NUMBERS AND CAPACITIES**

#### ***Subparts***

<b>6-301</b>	<b>Handwashing Lavatories</b>
<b>6-302</b>	<b>Toilets and Urinals</b>
<b>6-303</b>	<b>Lighting</b>
<b>6-304</b>	<b>Ventilation</b>
<b>6-305</b>	<b>Dressing Areas and Lockers</b>
<b>6-306</b>	<b>Service Sinks</b>

#### ***Handwashing Lavatories***

### **6-301.10 Minimum Number.**

Handwashing lavatories shall be provided as specified under § 5-203.11.

### **6-301.11 Handwashing Cleanser, Availability.**

Each handwashing lavatory or group of 2 adjacent lavatories shall be provided with a supply of hand cleaning liquid, powder, or bar soap.

### **6-301.12 Hand Drying Provision.**

Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- (A) Individual, disposable towels;



(B) A continuous towel system that supplies the user with a clean towel; or

(C) A heated-air hand drying device.

**6-301.13 Handwashing Aids and Devices, Use Restrictions.**

A sink used for FOOD preparation or UTENSIL washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under §§ 6-301.11 and 6-301.12 and ¶ 5-501.16(C).

**6-301.20 Disposable Towels, Waste Receptacle.**

A handwashing lavatory or group of adjacent lavatories that is provided with disposable towels shall be provided with a waste receptacle as specified under ¶ 5-501.16(C).

***Toilets and  
Urinals***

**6-302.10 Minimum Number.**

Toilets and urinals shall be provided as specified under § 5-203.12.

**6-302.11 Toilet Tissue, Availability.**

A supply of toilet tissue shall be available at each toilet.

***Lighting***

**6-303.11 Intensity.**

The light intensity shall be:

(A) At least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning;

(B) At least 220 lux (20 foot candles):

(1) At a surface where FOOD is provided for CONSUMER self-service such as buffets and salad bars or where fresh

produce or PACKAGED FOODS are sold or offered for consumption;

(2) Inside EQUIPMENT such as reach-in and under-counter refrigerators;

(3) At a distance of 75 cm (30 inches) above the floor in areas used for handwashing, WAREWASHING, and EQUIPMENT and UTENSIL storage, and in toilet rooms; and

(C) At least 540 lux (50 foot candles) at a surface where a FOOD EMPLOYEE is working with FOOD or working with UTENSILS or EQUIPMENT such as knives, slicers, grinders, or saws where EMPLOYEE safety is a factor.

### ***Ventilation***

#### **6-304.11 Mechanical.**

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

### ***Dressing Areas and Lockers***

#### **6-305.11 Designation.**

(A) Dressing rooms or dressing areas shall be designated if EMPLOYEES routinely change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be provided for the orderly storage of EMPLOYEES' clothing and other possessions.

### ***Service Sinks***

#### **6-306.10 Availability.**

A service sink or curbed cleaning facility shall be provided as specified under § 5-203.13.

## **6-4 LOCATION AND PLACEMENT**

### ***Subparts***

<b>6-401</b>	<b>Handwashing Lavatories</b>
<b>6-402</b>	<b>Toilet Rooms</b>
<b>6-403</b>	<b>Employee Accommodations</b>
<b>6-404</b>	<b>Distressed Merchandise</b>
<b>6-405</b>	<b>Refuse, Recyclables, and Returnables</b>

### ***Handwashing Lavatories***

#### **6-401.10 Conveniently Located.**

Handwashing lavatories shall be conveniently located as specified under § 5-204.11.

### ***Toilet Rooms***

#### **6-402.11 Convenience and Accessibility.**

Toilet rooms shall be conveniently located and accessible to EMPLOYEES during all hours of operation.

### ***Employee Accommodations***

#### **6-403.11 Designated Areas.**

(A) Areas designated for EMPLOYEES to eat, drink, and use tobacco shall be located so that FOOD, EQUIPMENT, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination.

(B) Lockers or other suitable facilities shall be located in a designated room or area where contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES can not occur.

### ***Distressed Merchandise***

#### **6-404.11 Segregation and Location.**

Products that are held by the PERMIT HOLDER for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are

separated from FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

***Refuse,  
Recyclables, and  
Returnables***

**6-405.10      Receptacles, Waste Handling Units, and  
Designated Storage Areas.**

Units, receptacles, and areas designated for storage of REFUSE and recyclable and returnable containers shall be located as specified under § 5-501.19.

**6-5            MAINTENANCE AND OPERATION**

***Subparts***

**6-501           Premises, Structures, Attachments, and  
Fixtures - Methods**

***Premises,  
Structures,  
Attachments,  
and Fixtures  
- Methods***

**6-501.11      Repairing.**

The PHYSICAL FACILITIES shall be maintained in good repair.

**6-501.12      Cleaning, Frequency and Restrictions.**

(A) The PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

(B) Cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing. *This requirement does not apply to cleaning that is necessary due to a spill or other accident.*

**6-501.13      Cleaning Floors, Dustless Methods.**

(A) Except as specified in ¶ (B) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

*(B) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:*

*(1) Without the use of dust-arresting compounds; and*

*(2) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.*

**6-501.14      Cleaning Ventilation Systems, Nuisance and Discharge Prohibition.**

(A) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(B) If vented to the outside, ventilation systems may not create a public health HAZARD or nuisance or unlawful discharge.

**6-501.15      Cleaning Maintenance Tools, Preventing Contamination.\***

FOOD preparation sinks, handwashing lavatories, and WAREWASHING EQUIPMENT may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes.

**6-501.16      Drying Mops.**

After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies.

**6-501.17      Absorbent Materials on Floors, Use Limitation.**

Except as specified in ¶ 6-501.13(B), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

**6-501.18 Maintaining and Using Handwashing Lavatories.**

Handwashing lavatories shall be kept clean, and maintained and used as specified under § 5-205.11.

**6-501.19 Closing Toilet Room Doors.**

Toilet room doors as specified under § 6-202.14 shall be kept closed *except during cleaning and maintenance operations*.

**6-501.110 Using Dressing Rooms and Lockers.**

(A) Dressing rooms shall be used by EMPLOYEES if the EMPLOYEES regularly change their clothes in the establishment.

(B) Lockers or other suitable facilities shall be used for the orderly storage of EMPLOYEE clothing and other possessions.

**6-501.111 Controlling Pests.\***

The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the PREMISES by:

(A) Routinely inspecting incoming shipments of FOOD and supplies;<sup>N</sup>

(B) Routinely inspecting the PREMISES for evidence of pests;<sup>N</sup>

(C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§ 7-202.12, 7-206.12, and 7-206.13; and

(D) Eliminating harborage conditions.<sup>N</sup>

**6-501.112 Removing Dead or Trapped Birds, Insects, Rodents, and Other Pests.**

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

#### **6-501.113 Storing Maintenance Tools.**

Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

- (A) Stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES; and
- (B) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

#### **6-501.114 Maintaining Premises, Unnecessary Items and Litter.**

The PREMISES shall be free of:

- (A) Items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used; and
- (B) Litter.

#### **6-501.115 Prohibiting Animals.\***

(A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.

*(B) Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result:*

*(1) Edible FISH or decorative FISH in aquariums, SHELLFISH or crustacea on ice or under refrigeration, and SHELLFISH and crustacea in display tank systems;*

*(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*

*(3) In areas that are not used for FOOD preparation such as dining and sales areas, SUPPORT ANIMALS such as guide dogs*

*that are trained to assist an EMPLOYEE or other PERSON who is handicapped, are controlled by the handicapped EMPLOYEE or PERSON, and are not allowed to be on seats or tables; and*

*(4) Pets in the common dining areas of GROUP RESIDENCES at times other than during meals if:*

*(a) Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas,*

*(b) Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and*

*(c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.*

*(C) Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result.*



Chapter

# 7      Poisonous or Toxic Materials

Parts

7-1	LABELING AND IDENTIFICATION
7-2	OPERATIONAL SUPPLIES AND APPLICATIONS
7-3	STOCK AND RETAIL SALE

7-1      LABELING AND IDENTIFICATION

*Subparts*

7-101	Original Containers
7-102	Working Containers

***Original  
Containers***

**7-101.11      Identifying Information, Prominence.\***

Containers of POISONOUS OR TOXIC MATERIALS and PERSONAL CARE ITEMS shall bear a legible manufacturer's label.

***Working  
Containers***

**7-102.11      Common Name.\***

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material.

## 7-2 OPERATIONAL SUPPLIES AND APPLICATIONS

### *Subparts*

7-201	Storage
7-202	Presence and Use
7-203	Container Prohibitions
7-204	Chemicals
7-205	Lubricants
7-206	Pesticides
7-207	Medicines
7-208	First Aid Supplies
7-209	Other Personal Care Items

### **Storage**

#### **7-201.11 Separation.\***

POISONOUS OR TOXIC MATERIALS shall be stored so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;<sup>s</sup> and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.*

### **Presence and Use**

#### **7-202.11 Restriction.\***

(A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.<sup>s</sup>

(B) ¶ (A) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.

## **7-202.12 Conditions of Use.\***

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

- (1) LAW and this Code,
- (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT,
- (3) The conditions of certification, if certification is required, for use of the pest control materials, and
- (4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

- (1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, and
- (2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a restricted-use pesticide, this is achieved by:
  - (a) Removing the items,
  - (b) Covering the items with impermeable covers, or
  - (c) Taking other appropriate preventive actions, and
  - (d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136(e) Certified Applicator, of the Federal Insecticide, Fungicide

and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.

**Container  
Prohibitions**

**7-203.11      Poisonous or Toxic Material Containers.\***

A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.

**Chemicals**

**7-204.11      Sanitizers, Criteria.\***

Chemical SANITIZERS and other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall meet the requirements specified in 21 CFR 178.1010 sanitizing solutions.

**7-204.12      Chemicals for Washing Fruits and Vegetables, Criteria.\***

Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 Chemicals used in washing or to assist in the lye peeling of fruits and vegetables.

**7-204.13      Boiler Water Additives, Criteria.\***

Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler Water Additives.

**7-204.14      Drying Agents, Criteria.\***

Drying agents used in conjunction with SANITIZATION shall:

(A) Contain only components that are listed as one of the following:

(1) Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 - Direct Food Substances Affirmed as Generally Recognized as Safe,

(2) Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,

(3) APPROVED for use as a drying agent under a prior sanction specified in 21 CFR 181 - Prior-Sanctioned Food Ingredients,

(4) Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 175-178, or

(5) APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles; and

(B) When SANITIZATION is with chemicals, the approval required under Subparagraph (A)(3) or (A)(5) of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (A)(4) of this section, shall be specifically for use with chemical SANITIZING solutions.

## ***Lubricants***

### **7-205.11 Incidental Food Contact, Criteria.\***

Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.

## ***Pesticides***

### **7-206.11 Restricted Use Pesticides, Criteria.\***

RESTRICTED USE PESTICIDES specified under ¶ 7-202.12(C) shall meet the requirements specified in 40 CFR 152 Subpart I - Classification of Pesticides.

### **7-206.12 Rodent Bait Stations.\***

Rodent bait shall be contained in a covered, tamper-resistant bait station.

### **7-206.13 Tracking Powders, Pest Control and Monitoring.\***

(A) A tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.

(B) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.<sup>N</sup>

## **Medicines**

### **7-207.11 Restriction and Storage.\***

(A) Only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a FOOD ESTABLISHMENT. *This section does not apply to medicines that are stored or displayed for retail sale.*

(B) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under § 7-101.11 and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

### **7-207.12 Refrigerated Medicines, Storage.\***

Medicines belonging to EMPLOYEES or to children in a day care center that require refrigeration and are stored in a FOOD refrigerator shall be:

(A) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and

(B) Located so they are inaccessible to children.

## **First Aid Supplies**

### **7-208.11 Storage.\***

First aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

(A) Labeled as specified under § 7-101.11;<sup>s</sup> and

(B) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.<sup>s</sup>

***Other Personal  
Care Items***

**7-209.11      Storage.**

Except as specified under §§ 7-207.12 and 7-208.11, EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under ¶ 6-305.11(B).

**7-3              STOCK AND RETAIL SALE**

***Subpart***

**7-301              Storage and Display**

***Storage and  
Display***

**7-301.11      Separation.\***

POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they can not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;<sup>s</sup> and

(B) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE OR SINGLE-USE ARTICLES.

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Chapter

# 8

# Compliance and Enforcement

Parts

- 8-1 CODE APPLICABILITY
- 8-2 PLAN SUBMISSION AND APPROVAL
- 8-3 PERMIT TO OPERATE
- 8-4 INSPECTION AND CORRECTION OF VIOLATIONS
- 8-5 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES

## 8-1 CODE APPLICABILITY

### *Subparts*

- 8-101 Use for Intended Purpose
- 8-102 Additional Requirements
- 8-103 Variances

***Use for Intended Purpose***

**8-101.10 Public Health Protection.**

(A) The REGULATORY AUTHORITY shall apply this Code to promote its underlying purpose, as specified in § 1-102.10, of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER.

(B) In enforcing the provisions of this Code, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of this Code based on the following considerations:

(1) Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;

(2) Whether FOOD-CONTACT SURFACES comply with Subpart 4-101;

(3) Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with § 4-301.11; and

(4) The existence of a documented agreement with the PERMIT HOLDER that the facilities or EQUIPMENT will be replaced as specified under ¶ 8-304.11(G) or upgraded or replaced as specified under ¶ 8-304.11(H).

***Additional  
Requirements***

**8-102.10      Preventing Health Hazards, Provision for  
Conditions Not Addressed.**

(A) If necessary to protect against public health HAZARDS or nuisances, the REGULATORY AUTHORITY may impose specific requirements in addition to the requirements contained in this Code that are authorized by LAW.

(B) The REGULATORY AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the PERMIT applicant or PERMIT HOLDER and a copy shall be maintained in the REGULATORY AUTHORITY'S file for the FOOD ESTABLISHMENT.

***Variances***

**8-103.10      Modifications and Waivers.**

The REGULATORY AUTHORITY may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the REGULATORY AUTHORITY a health HAZARD or nuisance will not result from the variance. If a variance is granted, the REGULATORY AUTHORITY shall retain the information specified under § 8-103.11 in its records for the FOOD ESTABLISHMENT.

### **8-103.11      Documentation of Proposed Variance and Justification.**

Before a variance from a requirement of this Code is APPROVED, the information that shall be provided by the PERSON requesting the variance and retained in the REGULATORY AUTHORITY'S file on the FOOD ESTABLISHMENT includes:

- (A) A statement of the proposed variance of the Code requirement citing relevant Code section numbers;
- (B) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and
- (C) A HACCP PLAN if required as specified under ¶ 8-201.13(A) that includes the information specified under § 8-201.14 as it is relevant to the variance requested.

### **8-103.12      Conformance with Approved Procedures.\***

If the REGULATORY AUTHORITY grants a variance as specified in § 8-103.10, or a HACCP PLAN is otherwise required as specified under § 8-201.13, the PERMIT HOLDER shall:

- (A) Comply with the HACCP PLANS and procedures that are submitted as specified under § 8-201.14 and APPROVED as a basis for the modification or waiver; and
- (B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶¶ 8-201.14(D) and (E) that demonstrate that the following are routinely employed;
  - (1) Procedures for monitoring CRITICAL CONTROL POINTS,
  - (2) Monitoring of the CRITICAL CONTROL POINTS,
  - (3) Verification of the effectiveness of an operation or process, and
  - (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.

## **8-2 PLAN SUBMISSION AND APPROVAL**

### ***Subparts***

<b>8-201</b>	<b>Facility and Operating Plans</b>
<b>8-202</b>	<b>Confidentiality</b>
<b>8-203</b>	<b>Construction Inspection and Approval</b>

### ***Facility and Operating Plans***

#### **8-201.11 When Plans Are Required.**

A PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY properly prepared plans and specifications for review and approval before:

- (A) The construction of a FOOD ESTABLISHMENT;
- (B) The conversion of an existing structure for use as a FOOD ESTABLISHMENT; or
- (C) The remodeling of a FOOD ESTABLISHMENT or a change of type of FOOD ESTABLISHMENT or FOOD operation as specified under ¶ 8-302.14(C) if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with this Code.

#### **8-201.12 Contents of the Plans and Specifications.**

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under § 8-201.13, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with Code provisions:

- (A) Intended menu;
- (B) Anticipated volume of FOOD to be stored, prepared, and sold or served;

(C) Proposed layout, mechanical schematics, construction materials, and finish schedules;

(D) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;

(E) Written standard operating procedures that reflect the knowledge specified under § 2-102.11 and implement the requirements of this Code, including indication of how practices ensure that:

(1) The transmission of foodborne disease is prevented by managing job applicants and FOOD EMPLOYEES as specified under Subpart 2-201,

(2) FOOD is received from APPROVED sources as specified under § 3-201.11,

(3) FOOD is managed so that the safety and integrity of the FOOD from the time of delivery to the ESTABLISHMENT throughout its storage, preparation, and transportation to the point of sale or service to the CONSUMER is protected,

(4) POTENTIALLY HAZARDOUS FOOD is maintained, including freezing, cold holding, cooking, hot holding, cooling, reheating, and serving in conformance with the temperature and time requirements specified under Parts 3-4 and 3-5,

(5) WAREWASHING is effective, including assurance that the chemical solutions and exposure times necessary for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT are provided as specified under Parts 4-6 and 4-7, and

(6) Records that are specified under §§ 3-203.11, 3-203.12 and 5-205.13 are retained for inspection;

(F) Proposed program of training for the PERSONS IN CHARGE and FOOD EMPLOYEES pertaining to protecting public health and the safety and integrity of FOOD; and

(G) Other information that may be required by the REGULATORY AUTHORITY for the proper review of the proposed construction,

conversion or modification, and procedures for operating a FOOD ESTABLISHMENT.

#### **8-201.13 When a HACCP Plan is Required.**

(A) Before engaging in an activity that requires a HACCP PLAN, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under § 8-201.14 and the relevant provisions of this Code if:

(1) Submission of a HACCP PLAN is required according to LAW;

(2) A variance is required as specified under § 3-502.11, ¶ 4-204.110(B), or Subparagraphs 3-203.12(B)(2)(b) or 3-401.11(C)(2); or

(3) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a variance based on a plan submittal specified under § 8-201.12, an inspectional finding, or a variance request.

(B) A PERMIT applicant or PERMIT HOLDER shall have a properly prepared HACCP PLAN as specified under § 3-502.12.

#### **8-201.14 Contents of a HACCP Plan.**

For a FOOD ESTABLISHMENT that is required under § 8-201.13 to have a HACCP PLAN, the plan and specifications shall indicate:

(A) A categorization of the types of POTENTIALLY HAZARDOUS FOODS that are specified in the menu such as soups and sauces, salads, and bulk, solid FOODS such as MEAT roasts, or of other FOODS that are specified by the REGULATORY AUTHORITY;

(B) A flow diagram by specific FOOD or category type identifying CRITICAL CONTROL POINTS and providing information on the following:

(1) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD, and

(2) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved;

(C) FOOD EMPLOYEE and supervisory training plan specified under ¶ 8-201.12(F) that addresses the FOOD safety issues of concern;

(D) A statement of standard operating procedures for the plan under consideration including clearly identifying:

(1) Each CRITICAL CONTROL POINT,

(2) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,

(3) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PERSON IN CHARGE,

(4) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,

(5) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met, and

(6) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed; and

(E) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.

***Confidentiality***

**8-202.10 Trade Secrets.**

The REGULATORY AUTHORITY shall treat as confidential in accordance with LAW, information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under §§ 8-201.12 and 8-201.14.

***Construction  
Inspection and  
Approval***

**8-203.10 Preoperational Inspections.**

The REGULATORY AUTHORITY shall conduct one or more preoperational inspections to verify that the FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans and is in compliance with LAW and this Code.

**8-3 PERMIT TO OPERATE**

***Subparts***

- 8-301 Requirement**
- 8-302 Application Procedure**
- 8-303 Issuance**
- 8-304 Conditions of Retention**

***Requirement***

**8-301.11 Prerequisite for Operation.**

A PERSON may not operate a FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY.

***Application  
Procedure***

**8-302.11 Submission 30 Calendar Days Before Proposed Opening.**

An applicant shall submit an application for a PERMIT at least 30 calendar days before the date planned for opening a FOOD ESTABLISHMENT or the expiration date of the current PERMIT for an existing facility.

**8-302.12 Form of Submission.**

A PERSON desiring to operate a FOOD ESTABLISHMENT shall submit to the REGULATORY AUTHORITY a written application for a PERMIT on a form provided by the REGULATORY AUTHORITY.



### **8-302.13      Qualifications and Responsibilities of Applicants.**

To qualify for a PERMIT, an applicant shall:

- (A) Be an owner of the FOOD ESTABLISHMENT or an officer of the legal ownership;
- (B) Comply with the requirements of this Code;
- (C) As specified under § 8-402.11, agree to allow access to the FOOD ESTABLISHMENT and to provide required information; and
- (D) Pay the applicable PERMIT fees at the time the application is submitted.

### **8-302.14      Contents of the Application.**

The application shall include:

- (A) The name, birth date, mailing address, telephone number, and signature of the PERSON applying for the PERMIT and the name, mailing address, and location of the FOOD ESTABLISHMENT;
- (B) Information specifying whether the FOOD ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;
- (C) A statement specifying whether the FOOD ESTABLISHMENT:
  - (1) Is mobile or stationary and temporary or permanent, and
  - (2) Is an operation that includes one or more of the following:
    - (a) Prepares, offers for sale, or serves POTENTIALLY HAZARDOUS FOOD:
      - (i) Only to order upon a CONSUMER'S request,
      - (ii) In advance in quantities based on projected CONSUMER demand and discards FOOD that is not sold or served at an APPROVED frequency, or

(iii) Using time as the public health control as specified under § 3-501.19,

(b) Prepares POTENTIALLY HAZARDOUS FOOD in advance using a FOOD preparation method that involves two or more steps which may include combining POTENTIALLY HAZARDOUS ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,

(c) Prepares FOOD as specified under Subparagraph (C)(2)(b) of this section for delivery to and consumption at a location off the PREMISES of the FOOD ESTABLISHMENT where it is prepared,

(d) Prepares FOOD as specified under Subparagraph (C)(2)(b) of this section for service to a HIGHLY SUSCEPTIBLE POPULATION,

(e) Prepares only FOOD that is not POTENTIALLY HAZARDOUS, or

(f) Does not prepare, but offers for sale only prePACKAGED FOOD that is not POTENTIALLY HAZARDOUS;

(D) The name, title, address, and telephone number of the PERSON directly responsible for the FOOD ESTABLISHMENT;

(E) The name, title, address, and telephone number of the PERSON who functions as the immediate supervisor of the PERSON specified under ¶ (D) of this section such as the zone, district, or regional supervisor;

(F) The names, titles, and addresses of:

(1) The PERSONS comprising the legal ownership as specified under ¶ (B) of this section including the owners and officers, and

(2) The local resident agent if one is required based on the type of legal ownership;

(G) A statement signed by the applicant that:

(1) Attests to the accuracy of the information provided in the application, and

(2) Affirms that the applicant will:

(a) Comply with this Code, and

(b) Allow the REGULATORY AUTHORITY access to the establishment as specified under § 8-402.11 and to the records specified under §§ 3-203.12 and 5-205.13 and Subparagraph 8-201.14(D)(6); and

(H) Other information required by the REGULATORY AUTHORITY.

## ***Issuance***

### **8-303.10 New, Converted, or Remodeled Establishments.**

For FOOD ESTABLISHMENTS that are required to submit plans as specified under § 8-201.11 the REGULATORY AUTHORITY shall issue a PERMIT to the applicant after:

(A) A properly completed application is submitted;

(B) The required fee is submitted;

(C) The required plans, specifications, and information are reviewed and APPROVED; and

(D) A preoperational inspection shows that the establishment is built or remodeled in accordance with the APPROVED plans and specifications and that the establishment is in compliance with this Code.

### **8-303.20 Existing Establishments, Permit Renewal, and Change of Ownership.**

The REGULATORY AUTHORITY may renew a PERMIT for an existing FOOD ESTABLISHMENT or may issue a PERMIT to a new owner of an existing FOOD ESTABLISHMENT after a properly completed application is submitted, reviewed, and APPROVED, the fees are paid, and an inspection shows that the establishment is in compliance with this Code.

### **8-303.30 Denial of Application for Permit, Notice.**

If an application for a PERMIT to operate is denied, the REGULATORY AUTHORITY shall provide the applicant with a notice that includes:

- (A) The specific reasons and Code citations for the PERMIT denial;
- (B) The actions, if any, that the applicant must take to qualify for a PERMIT; and
- (C) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided in LAW.

### **Conditions of Retention**

### **8-304.10 Responsibilities of the Regulatory Authority.**

(A) At the time a PERMIT is first issued, the REGULATORY AUTHORITY shall provide to the PERMIT HOLDER a copy of this Code so that the PERMIT HOLDER is notified of the compliance requirements and the conditions of retention, as specified under § 8-304.11, that are applicable to the PERMIT.

*(B) Failure to provide the information specified in ¶ (A) of this section does not prevent the REGULATORY AUTHORITY from taking authorized action or seeking remedies if the PERMIT HOLDER fails to comply with this Code or an order, warning, or directive of the REGULATORY AUTHORITY.*

### **8-304.11 Responsibilities of the Permit Holder.**

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

- (A) Post the PERMIT in a location in the FOOD ESTABLISHMENT that is conspicuous to CONSUMERS;
- (B) Comply with the provisions of this Code including the conditions of a granted variance as specified under § 8-103.12, and APPROVED plans as specified under § 8-201.12;
- (C) If a FOOD ESTABLISHMENT is required under § 8-201.13 to operate under a HACCP PLAN, comply with the plan as specified under § 8-103.12;

- (D) Immediately contact the REGULATORY AUTHORITY to report an illness of an applicant or EMPLOYEE as specified under § 2-201.15;
- (E) Immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist as specified under § 8-404.11;
- (F) Allow representatives of the REGULATORY AUTHORITY access to the FOOD ESTABLISHMENT as specified under § 8-402.11;
- (G) Except as specified under ¶ (H) of this section, replace existing facilities and EQUIPMENT specified in § 8-101.10 with facilities and EQUIPMENT that comply with this Code if:
- (1) The REGULATORY AUTHORITY directs the replacement because the facilities and EQUIPMENT constitute a public health HAZARD or nuisance or no longer comply with the criteria upon which the facilities and EQUIPMENT were accepted,
  - (2) The REGULATORY AUTHORITY directs the replacement of the facilities and EQUIPMENT because of a change of ownership, or
  - (3) The facilities and EQUIPMENT are replaced in the normal course of operation;
- (H) Upgrade or replace refrigeration EQUIPMENT as specified under ¶ 3-501.16(C), if the circumstances specified under Subparagraphs (G)(1)-(3) of this section do not occur first, and 5 years pass after the REGULATORY AUTHORITY adopts this Code;
- (I) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S FOOD ESTABLISHMENT or in response to community emergencies;
- (J) Accept notices issued and served by the REGULATORY AUTHORITY according to LAW; and
- (K) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in LAW for failure to comply with this Code

or a directive of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

**8-304.20      Permits Not Transferable.**

A PERMIT may not be transferred from one PERSON to another PERSON, from one FOOD ESTABLISHMENT to another, or from one type of operation to another if the FOOD operation changes from the type of operation specified in the application as specified under ¶ 8-302.14(C) and the change in operation is not APPROVED.

**8-4            INSPECTION AND CORRECTION OF VIOLATIONS**

***Subparts***

<b>8-401</b>	<b>Frequency</b>
<b>8-402</b>	<b>Access</b>
<b>8-403</b>	<b>Report of Findings</b>
<b>8-404</b>	<b>Imminent Health Hazard</b>
<b>8-405</b>	<b>Critical Violation</b>
<b>8-406</b>	<b>Noncritical Violation</b>

***Frequency***

**8-401.10      Establishing Inspection Interval.**

(A) Except as specified in ¶¶ (B) and (C) of this section, the REGULATORY AUTHORITY shall inspect a FOOD ESTABLISHMENT at least once every 6 months.

(B) *The REGULATORY AUTHORITY may increase the interval between inspections beyond 6 months if:*

(1) *The FOOD ESTABLISHMENT is fully operating under an APPROVED and validated HACCP PLAN as specified under § 8-201.14 and ¶¶ 8-103.12(A) and (B);*

*(2) The FOOD ESTABLISHMENT is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction and at least once every 6 months the establishment is contacted by telephone or other means by the REGULATORY AUTHORITY to ensure that the establishment manager and the nature of FOOD operation are not changed; or*

*(3) The establishment's operation involves only coffee service and other unPACKAGED or prePACKAGED FOOD that is not POTENTIALLY HAZARDOUS such as carbonated BEVERAGES and snack FOOD such as chips, nuts, popcorn, and pretzels.*

(C) The REGULATORY AUTHORITY shall periodically inspect throughout its PERMIT period a TEMPORARY FOOD ESTABLISHMENT that prepares, sells, or serves unPACKAGED POTENTIALLY HAZARDOUS FOOD and that:

(1) Has improvised rather than permanent facilities or EQUIPMENT for accomplishing functions such as handwashing, FOOD preparation and protection, FOOD temperature control, WAREWASHING, providing DRINKING WATER, waste retention and disposal, and insect and rodent control; or

(2) Has inexperienced FOOD EMPLOYEES.

#### **8-401.20      Performance- and Risk-Based.**

Within the parameters specified in § 8-401.10, the REGULATORY AUTHORITY shall prioritize, and conduct more frequent inspections based upon its assessment of a FOOD ESTABLISHMENT'S history of compliance with this Code and the establishment's potential as a vector of foodborne illness by evaluating:

(A) Past performance, for nonconformance with Code or HACCP PLAN requirements that are critical;

(B) Past performance, for numerous or repeat violations of Code or HACCP PLAN requirements that are noncritical;

(C) Past performance, for complaints investigated and found to be valid;

(D) The HAZARDS associated with the particular FOODS that are prepared, stored, or served;

(E) The type of operation including the methods and extent of FOOD storage, preparation, and service;

(F) The number of people served; and

(G) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

## **Access**

### **8-402.11 Allowed at Reasonable Times after Due Notice.**

After the REGULATORY AUTHORITY presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the PERSON IN CHARGE shall allow the REGULATORY AUTHORITY to determine if the FOOD ESTABLISHMENT is in compliance with this Code by allowing access to the establishment, allowing inspection, and providing information and records specified in this Code and to which the REGULATORY AUTHORITY is entitled according to LAW, during the FOOD ESTABLISHMENT'S hours of operation and other reasonable times.

### **8-402.20 Refusal, Notification of Right to Access, and Final Request for Access.**

If a PERSON denies access to the REGULATORY AUTHORITY, the REGULATORY AUTHORITY shall:

(A) Inform the PERSON that:

(1) The PERMIT HOLDER is required to allow access to the REGULATORY AUTHORITY as specified under § 8-402.11 of this Code,

(2) Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT PERMIT to operate as specified under ¶ 8-304.11(F), and

(3) If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to LAW; and



(B) Make a final request for access.

#### **8-402.30 Refusal, Reporting.**

If after the REGULATORY AUTHORITY presents credentials and provides notice as specified under § 8-402.11, explains the authority upon which access is requested, and makes a final request for access as specified in § 8-402.20, the PERSON IN CHARGE continues to REFUSE access, the REGULATORY AUTHORITY shall provide details of the denial of access on an inspection report form.

#### **8-402.40 Inspection Order to Gain Access.**

If denied access to a FOOD ESTABLISHMENT for an authorized purpose and after complying with § 8-402.20, the REGULATORY AUTHORITY may issue, or apply for the issuance of, an inspection order to gain access as provided in LAW.

### ***Report of Findings***

#### **8-403.10 Documenting Information and Observations.**

The REGULATORY AUTHORITY shall document on an inspection report form:

(A) Administrative information about the FOOD ESTABLISHMENT'S legal identity, street and mailing addresses, type of establishment and operation as specified under ¶ 8-302.14(C), inspection date, and other information such as type of water supply and SEWAGE disposal, status of the PERMIT, and personnel certificates that may be required; and

(B) Specific factual observations of violative conditions or other deviations from this Code that require correction by the PERMIT HOLDER including:

(1) Failure of the PERSON IN CHARGE to demonstrate the knowledge of foodborne illness prevention, application of HACCP principles, and the requirements of this Code specified under § 2-102.11,

(2) Failure of FOOD EMPLOYEES and the PERSON IN CHARGE to demonstrate their knowledge of their responsibility to report

a disease or medical condition as specified under §§ 2-201.14 and 2-201.15,

(3) Nonconformance with CRITICAL ITEMS of this Code,

(4) Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the REGULATORY AUTHORITY as specified under § 8-103.12,

(5) Failure of the PERSON IN CHARGE to provide records required by the REGULATORY AUTHORITY for determining conformance with a HACCP PLAN as specified under Subparagraph 8-201.14(D)(6), and

(6) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

#### **8-403.20 Specifying Time Frame for Corrections.**

The REGULATORY AUTHORITY shall specify on the inspection report form the time frame for correction of the violations as specified under §§ 8-404.11, 8-405.11, and 8-406.11.

#### **8-403.30 Issuing Report and Obtaining Acknowledgment of Receipt.**

At the conclusion of the inspection and according to LAW, the REGULATORY AUTHORITY shall provide a copy of the completed inspection report and the notice to correct violations to the PERMIT HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

#### **8-403.40 Refusal to Sign Acknowledgment.**

The REGULATORY AUTHORITY shall:

(A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in § 8-403.30 that:

(1) An acknowledgment of receipt is not an agreement with findings,

(2) Refusal to sign an acknowledgment of receipt will not affect the PERMIT HOLDER'S obligation to correct the violations noted in the inspection report within the time frames specified, and

(3) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the REGULATORY AUTHORITY'S historical record for the FOOD ESTABLISHMENT; and

(B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

#### **8-403.50      Public Information.**

Except as specified in § 8-202.10, the REGULATORY AUTHORITY shall treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.

#### ***Imminent Health Hazard***

#### **8-404.11      Ceasing Operations and Reporting.**

(A) Except as specified in ¶ (B) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

*(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.*

#### **8-404.12      Resumption of Operations.**

If operations are discontinued as specified under § 8-404.11 or otherwise according to LAW, the PERMIT HOLDER shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

**Critical  
Violation**

**8-405.11 Timely Correction.**

(A) Except as specified in ¶ (B) of this section, a PERMIT HOLDER shall at the time of inspection correct a critical violation of this Code and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.

*(B) Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to or specify a longer time frame, not to exceed 10 calendar days after the inspection, for the PERMIT HOLDER to correct critical Code violations or HACCP PLAN deviations.*

**8-405.20 Verification and Documentation of Correction.**

(A) After observing at the time of inspection a correction of a critical violation or deviation, the REGULATORY AUTHORITY shall enter the violation and information about the corrective action on the inspection report.

(B) As specified under ¶ 8-405.11(B), after receiving notification that the PERMIT HOLDER has corrected a critical violation or HACCP PLAN deviation, or at the end of the specified period of time, the REGULATORY AUTHORITY shall verify correction of the violation, document the information on an inspection report, and enter the report in the REGULATORY AUTHORITY'S records.

**Noncritical  
Violation**

**8-406.11 Time Frame for Correction.**

(A) Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall correct noncritical violations by a date and time agreed to or specified by the REGULATORY AUTHORITY but no later than 90 calendar days after the inspection.

*(B) The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the PERMIT HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.*

## **8-5      PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES**

### ***Subpart***

#### **8-501      Investigation and Control**

#### ***Investigation and Control***

#### **8-501.10      Obtaining Information: Personal History of Illness, Medical Examination, and Specimen Analysis.**

The REGULATORY AUTHORITY shall act when it has reasonable cause to believe that a FOOD EMPLOYEE has possibly transmitted disease; may be infected with a disease in a communicable form that is transmissible through FOOD; may be a carrier of infectious agents that cause a disease that is transmissible through FOOD; or is affected with a boil, an infected wound, or acute respiratory infection, by:

(A) Securing a confidential medical history of the EMPLOYEE suspected of transmitting disease or making other investigations as deemed appropriate; and

(B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected EMPLOYEE and other EMPLOYEES.

#### **8-501.20      Restriction or Exclusion of Food Employee, or Summary Suspension of Permit.**

Based on the findings of an investigation related to an EMPLOYEE who is suspected of being infected or diseased, the REGULATORY AUTHORITY may issue an order to the suspected EMPLOYEE or PERMIT HOLDER instituting one or more of the following control measures:

(A) Restricting the EMPLOYEE'S services to specific areas and tasks in a FOOD ESTABLISHMENT that present no risk of transmitting the disease;

(B) Excluding the EMPLOYEE from a FOOD ESTABLISHMENT; or

(C) Closing the FOOD ESTABLISHMENT by summarily suspending a PERMIT to operate in accordance with LAW.

**8-501.30      Restriction or Exclusion Order: Warning or Hearing Not Required, Information Required in Order.**

Based on the findings of the investigation as specified in § 8-501.10 and to control disease transmission, the REGULATORY AUTHORITY may issue an order of restriction or exclusion to a suspected EMPLOYEE or the PERMIT HOLDER without prior warning, notice of a hearing, or a hearing if the order:

(A) States the reasons for the restriction or exclusion that is ordered;

(B) States the evidence that the EMPLOYEE or PERMIT HOLDER shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;

(C) States that the suspected EMPLOYEE or the PERMIT HOLDER may request an appeal hearing by submitting a timely request as provided in LAW; and

(D) Provides the name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing may be made.

**8-501.40      Release of Employee from Restriction or Exclusion.**

The REGULATORY AUTHORITY shall release an EMPLOYEE from restriction or exclusion according to LAW and the following conditions:

(A) An EMPLOYEE who was infected with ***Salmonella typhi*** if the EMPLOYEE'S stools are negative for ***S. typhi*** based on testing of at least 3 consecutive stool specimen cultures that are taken:

(1) Not earlier than 1 month after onset,

(2) At least 48 hours after discontinuance of antibiotics, and

(3) At least 24 hours apart; and

(B) If one of the cultures taken as specified in ¶ (A) of this section is positive, repeat cultures are taken at intervals of 1 month until at least 3 consecutive negative stool specimen cultures are obtained.

(C) An EMPLOYEE who was infected with ***Shigella*** spp. or ***Escherichia coli*** O157:H7 if the EMPLOYEE'S stools are negative for ***Shigella*** spp. or ***E. coli*** O157:H7 based on testing of 2 consecutive stool specimen cultures that are taken:

(1) Not earlier than 48 hours after discontinuance of antibiotics; and

(2) At least 24 hours apart.

(D) An EMPLOYEE who was infected with hepatitis A virus if:

(1) Symptoms cease; or

(2) At least 2 blood tests show falling liver enzymes.

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# **7** ***Model Forms, Guides, and Other Aids***

- |             |                                                                                                                               |
|-------------|-------------------------------------------------------------------------------------------------------------------------------|
| 1. Form 1   | APPLICANT AND FOOD EMPLOYEE INTERVIEW                                                                                         |
| 2. Form 2   | FOOD EMPLOYEE REPORTING AGREEMENT                                                                                             |
| 3. Form 3   | APPLICANT AND FOOD EMPLOYEE MEDICAL REFERRAL                                                                                  |
| 6. Form 6   | HACCP INSPECTION DATA                                                                                                         |
| 8. Guide 1  | EXCLUSIONS AND RESTRICTIONS                                                                                                   |
| 9. Guide 2  | REMOVAL OF EXCLUSIONS AND RESTRICTIONS                                                                                        |
| 10. Guide 3 | INSPECTIONAL GUIDE                                                                                                            |
| 12. Chart 1 | SUMMARY CHART FOR MINIMUM COOKING FOOD TEMPERATURES<br>AND HOLDING TIMES REQUIRED BY CHAPTER 3                                |
| 13. Chart 2 | SUMMARY CHART FOR MINIMUM FOOD TEMPERATURES AND<br>HOLDING TIMES REQUIRED BY CHAPTER 3 FOR REHEATING FOODS<br>FOR HOT HOLDING |
| 14. Matrix  | FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX                                                                                |

**FORM****1****Applicant and Food Employee Interview**

Preventing Transmission of Diseases through Food by Infected Food  
Employees with Emphasis on illness due to ***Salmonella typhi*, *Shigella* spp.,  
*Escherichia coli* O157:H7, and Hepatitis A Virus**

***The purpose of this form is to ensure that Applicants and Food Employees advise the Person Charge of past and current conditions described so that the Person in Charge can take appropriate steps to preclude the transmission of foodborne illness.***

Applicant or Employee name (print) \_\_\_\_\_  
Address \_\_\_\_\_

Telephone Daytime: \_\_\_\_\_ Evening: \_\_\_\_\_

**TODAY:**

Are you suffering from any of the following:

**1. Symptoms**

Diarrhea?	YES/NO
Fever?	YES/NO
Vomiting?	YES/NO
Jaundice?	YES/NO
Sore throat with fever?	YES/NO

**2. Lesions containing pus on the hand, wrist or an exposed body part?**  
(such as boils and infected wounds, however small) YES/NO

**PAST:**

Have you ever been diagnosed as being ill with typhoid fever (***Salmonella typhi***), shigellosis (***Shigella*** spp.), ***Escherichia coli* O157:H7** infection (***E. coli* O157:H7**), or hepatitis A (hepatitis A virus)?  
If you have, what was the date of the diagnosis? \_\_\_\_\_

**HIGH-RISK CONDITIONS**

1. Have you been exposed to or suspected of causing a confirmed outbreak of typhoid fever, shigellosis, ***E. coli* O157:H7** infection, or hepatitis A? YES/NO
2. Do you live in the same household as a person diagnosed with typhoid fever, shigellosis, hepatitis A, or illness due to ***E. coli* O157:H7**? YES/NO
3. Do you have a household member attending or working in a setting where there is a confirmed outbreak of typhoid fever, shigellosis, ***E. coli* O157:H7** infection, or hepatitis A? YES/NO
4. Have you traveled outside the United States or to a U.S. territory within the last 50 days? YES/NO

Name, Address, and Telephone Number of your Doctor:

Name \_\_\_\_\_  
Address \_\_\_\_\_

Telephone - Daytime \_\_\_\_\_ Evening \_\_\_\_\_

Signature of Applicant or Food Employee \_\_\_\_\_ Date \_\_\_\_\_

Signature of Permit Holder's Representative \_\_\_\_\_ Date \_\_\_\_\_

FORM  
2

## Food Employee Reporting Agreement

Preventing Transmission of Diseases through Food by Infected Food  
Employees with Emphasis on illness due to ***Salmonella typhi***, ***Shigella*** spp.,  
***Escherichia coli*** O157:H7, and Hepatitis A Virus

***The purpose of this agreement is to ensure that Food Employees notify the Person in Charge experience any of the conditions listed so that the Person in Charge can take appropriate steps to prevent the transmission of foodborne illness.***

### I AGREE TO REPORT TO THE PERSON IN CHARGE:

#### **FUTURE SYMPTOMS and PUSTULAR LESIONS:**

1. Diarrhea
2. Fever
3. Vomiting
4. Jaundice
5. Sore throat with fever
6. Lesions containing pus on the hand, wrist, or an exposed body part  
(such as boils and infected wounds, however small)

#### **FUTURE MEDICAL DIAGNOSIS:**

Whenever diagnosed as being ill with typhoid fever (***Salmonella typhi***), shigellosis (***Shigella*** spp.), ***Escherichia coli*** O157:H7 infection (***E. coli*** O157:H7), or hepatitis A (hepatitis A virus)

#### **FUTURE HIGH-RISK CONDITIONS:**

1. Exposure to or suspicion of causing any confirmed outbreak of typhoid fever, shigellosis, *E. coli* O157:H7 infection, or hepatitis A
2. A household member diagnosed with typhoid fever, shigellosis, illness due to *E. coli* O157:H7 infection, or hepatitis A
3. A household member attending or working in a setting experiencing a confirmed outbreak of typhoid fever, shigellosis, *E. coli* O157:H7 infection, or hepatitis A
4. Travel outside the United States or to a U.S. territory within the last 50 days

I have read (or had explained to me) and understand the requirements concerning my responsibilities under the **Food Code** and this agreement to comply with:

1. Reporting requirements specified above involving symptoms, diagnoses, and high-risk conditions specified;
2. Work restrictions or exclusions that are imposed upon me; and
3. Good hygienic practices.

I understand that failure to comply with the terms of this agreement could lead to action by the food establishment or the food regulatory authority that may jeopardize my employment and may involve legal action against me.

**Applicant or Food Employee Name (please print)** \_\_\_\_\_

**Signature of Applicant or Food Employee** \_\_\_\_\_ **Date** \_\_\_\_\_

**Signature of Permit Holder's Representative** \_\_\_\_\_ **Date** \_\_\_\_\_

FORM  
3

## Applicant and Food Employee Medical Referral

Preventing Transmission of Diseases through Food by Infected Food Employees with Emphasis on illness due to ***Salmonella typhi***, ***Shigella*** spp., ***Escherichia coli*** O157:H7, and Hepatitis A Virus

The Food Code specifies, under **Part 2-2 Employee Health Subpart 2-201 Disease or Medical Co** that Applicants and Food Employees obtain medical clearance from a physician licensed to practice medicine whenever the individual:

1. Is chronically suffering from a symptom such as **diarrhea**; or
2. Meets one of the high-risk conditions specified under Paragraph 2-201.11(D) and is suffering from symptom specified under Subparagraph 2-201.11(B)(1).
3. Has a **current illness** involving ***Salmonella typhi*** (typhoid fever), ***Shigella*** spp. (shigellosis), ***Escherichia coli*** O157:H7 (***E. coli*** O157:H7 infection), or hepatitis A virus (hepatitis A), or
4. Reports **past illness** involving ***S. typhi*** (typhoid fever), ***Shigella*** spp. (shigellosis), ***E. coli*** O157:H7, or hepatitis A virus (hepatitis A), if the establishment is a facility serving a highly susceptible population such as preschool age children, immunocompromised persons, or older a

**Applicant or Food Employee being referred:** \_\_\_\_\_ (Name, please print) \_\_\_\_\_  
**Serving a highly susceptible population** YES ☐ NO ☐

**REASON FOR MEDICAL REFERRAL:** The reason for this referral is checked below:

- ☐ Chronic diarrhea or other chronic symptom \_\_\_\_\_ (specify) \_\_\_\_\_ .
- ☐ Meets a high-risk condition specified under Paragraph 2-201.11(D) \_\_\_\_\_ (specify) \_\_\_\_\_ ar symptom specified under Subparagraph 2-201.11(B)(1). \_\_\_\_\_ (specify) \_\_\_\_\_ .
- ☐ Diagnosed or suspected typhoid fever, shigellosis, ***E. coli*** O157:H7 infection, or hepatitis A.
- ☐ Reported past illness from typhoid fever, shigellosis, ***E. coli*** O157:H7 infection, or hepatitis A.
- ☐ Other medical condition of concern per the following description: \_\_\_\_\_

### **PHYSICIAN'S CONCLUSION:**

- ☐ Applicant or food employee is free of ***S. typhi***, ***Shigella*** spp., ***E. coli*** O157:H7, or hepatitis A virus a food employee without restrictions.
- ☐ Applicant or food employee is an asymptomatic shedder of \_\_\_\_\_ (pathogen) \_\_\_\_\_ and is restricted from wo exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-us establishments that do not serve highly susceptible populations.
- ☐ Applicant or food employee is not ill but continues as an asymptomatic shedder of \_\_\_\_\_ (pathogen) \_\_\_\_\_ a excluded from working with exposed food; clean equipment, utensils, and linens; and unwrapped : single-use articles in food establishments that serve highly susceptible populations such as those age, immunocompromised, or older adults and in a facility that provides preschool custodial care, assisted living.
- ☐ Applicant or food employee is suffering from typhoid fever, Shigellosis, ***E. coli*** O157:H7 infection, should be excluded from working with exposed food; clean equipment, utensils, and linens; and u service and single-use articles.

**COMMENTS:** (In accordance with Title I of the Americans with Disabilities Act (ADA) and to provide c necessary to assist the food establishment operator in preventing foodborne disease transmission, pl comments to explaining your conclusion and estimating when the employee may be reinstated.)

Signature of Physician \_\_\_\_\_ Date \_\_\_\_\_

## Paraphrased from the FDA Food Code for Physician's Reference

### From §2-201.11(A) Organisms of Concern:

Any foodborne pathogen, with special emphasis on these 4 organisms:

***S. typhi***      ***Shigella* spp.**      ***E. coli* O157:H7**      **Hepatitis A virus**

### From §2-201.11(B)(1) Symptoms:

Symptoms associated with an acute gastrointestinal illness such as:

**Diarrhea**      **Fever**      **Vomiting**      **Jaundice**      **Sore throat with fever**

### From §2-201.11(D) High-Risk Conditions Related to a Person's Activities:

- (1) Suspected of causing a foodborne outbreak or being exposed to an outbreak caused by 1 of the 4 organisms above, at an event such as a family meal, church supper, or festival because the person:
  - Prepared or consumed an implicated food; or
  - Consumed food prepared by a person who is infected or ill with the organism that caused the outbreak or suspected of being a carrier;
- (2) Lives with a person who is diagnosed with illness caused by 1 of the 4 organisms;
- (3) Lives with a person who works where there is an outbreak caused by 1 of the 4 organisms; or
- (4) Traveled out of the United States or to a U.S. territory in the last 50 days.

### From §2-201.12 Exclusion and Restriction:

Decisions to exclude or restrict a food employee are made considering the available evidence about the actual or potential foodborne illness transmission. Evidence includes:

Symptoms	Diagnosis	High-risk conditions	Past illnesses	Stool/blood
!	!	!	!	!
In facilities serving highly susceptible populations such as day care centers and health care facilities, a food employee whom there is evidence of foodborne illness is almost always <u>excluded</u> from the food establishment.				
In other establishments that offer food to typically healthy consumers, a person might only be <u>restricted</u> from food duties, based on the evidence of foodborne illness.				
Exclusion from any food establishment is required when the person is:				
Diagnosed with illness caused by 1 of the 4 organisms of concern; or				
Jaundiced within the last 7 days.				

### From §8-501.40 Release of Employee from Exclusion or Restriction:

In addition to local law, these requirements must be met in the situations specified:

- ! For infection with ***S. typhi***, the person's stools must be negative for 3 consecutive cultures taken at least 24 hours after onset, no earlier than 48 hours after antibiotics are discontinued, and at least 24 hours apart.
- ! For ***Shigella* spp.** or ***E. coli* O157:H7** infections, the person's stools must be negative for 2 consecutive cultures taken no earlier than 48 hours after antibiotics are discontinued and at least 24 hours apart.
- ! For hepatitis A virus infection, the symptoms must cease or at least 2 blood tests must show falling levels of the virus.

**HACCP Inspection Data**

The HACCP Inspection Data form is designed to accommodate the recording of observations during an inspection. The design of the form focuses on information related to the flow of potentially hazardous foods being prepared, displayed, sold, and served within the establishment. The form is intended as a worksheet for use in noting food temperatures/times at each step and other pertinent data as they compare to the established critical limits. This juxtaposition of the observations and the critical limits highlights the violative steps. The information then is transferred to the Establishment Inspection Report form.



## HACCP INSPECTION DATA

<b>EST. NAME:</b>	<b>PERMIT NO.</b>	<b>INSPECTOR:</b>
<b>DATE:</b>	<b>TIME IN:</b>	<b>TIME OUT:</b>
	:AM / PM	:AM/ PM

Record all observations below - transfer violations to Inspection Report

FOOD TEMPERATURES / TIMES / OTHER CRITICAL LIMITS								
Use Additional Forms If Necessary								
FOOD STEP	1.	CRITICAL LIMIT	2	CRITICAL LIMIT	3	CRITICAL LIMIT	4	CRITICAL LIMIT
A. SOURCE								
B. STORAGE								
C. PREP BEFORE COOK								
D. COOK								
E. PREP AFTER COOK								
F. HOT/COLD HOLD								
G. DISPLAY/ SERVICE								
H. COOL								
I. REHEAT								

OTHER FOOD TEMPERATURES OBSERVED			Use steps from above for location					
FOOD	TEMP. °C/°F	STEP	FOOD	TEMP. °C/°F	STEP	FOOD	TEMP. °C/°F	STEP



<b>MANAGEMENT / PERSONNEL OBSERVATIONS</b>	
<b>OTHER FOOD OBSERVATIONS</b>	
<b>EQUIPMENT, UTENSILS, AND LINEN OBSERVATIONS</b>	
<b>WATER, PLUMBING, AND WASTE OBSERVATIONS</b>	
<b>PHYSICAL FACILITIES</b>	
<b>POISONOUS OR TOXIC MATERIALS OBSERVATIONS</b>	

## GUIDE

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## Exclusions and Restrictions for Food Employees and Applicants

Health Status	Facilities Serving Highly Susceptible Population	Facilities Not Serving Highly Susceptible Population
1. Diagnosed with illness due to <b><i>Salmonella typhi</i></b> , <b><i>Shigella</i></b> spp., <b><i>Escherichia coli</i></b> O157:H7, or hepatitis A virus	Exclude 2-201.12(A)	Exclude 2-201.12(A)
2. Experiencing a symptom listed in 2-201.11(B)	Restrict 2-201.12(B)	Restrict 2-201.12(B)
3. Experiencing a symptom listed in 2-201.11(B)(1) and meets a high-risk condition* of 2-201.11(D)(1)-(4)	Exclude 2-201.12(C)(1)*	Restrict 2-201.12(B)(1)
4. Asymptomatic but stools positive for <b><i>S. typhi</i></b> , <b><i>Shigella</i></b> spp., or <b><i>E. coli</i></b> O157:H7	Exclude 2-201.12(C)(2)	Restrict 2-201.12(B)(2)
5. Past illness from <b><i>Salmonella typhi</i></b> within the last 3 months	Exclude 2-201.12(C)(3)	No Restrictions
6. Past illness from <b><i>Shigella</i></b> spp. or <b><i>E. coli</i></b> O157:H7 within the last month	Exclude 2-201.12(C)(4)	No Restrictions
7. Onset of jaundice within the last 7 days	Exclude 2-201.12(D)(1)	Exclude 2-201.12(D)(1)
8. Onset of jaundice more than 7 days ago	Exclude 2-201.12(D)(2)(a)	Restrict 2-201.12(D)(2)(b)

\* High-risk conditions apply only to exclusions under this Subparagraph.

# GUIDE

2

## Removal of Exclusions & Restrictions for Food Employees and Applicants

HEALTH STATUS 2-201.11 and .12	FACILITIES SERVING HIGHLY SUSCEPTIBLE POPULATION 2-201.13	FACILITIES NOT SERVING HIGHLY SUSCEPTIBLE POPULATION 2-201.13
1. Diagnosed with illness due to <b><i>Salmonella typhi</i></b> , <b><i>Shigella</i></b> spp., <b><i>Escherichia coli</i></b> O157:H7, or hepatitis A virus 2-201.11(A)	1. RA Approval + 2. Doctor: Stool free or Blood free or symptom-free (A)(1)	1. RA Approval + 2. Doctor: Stool free or Blood free or symptom-free (A)(2)
2. Experiencing a symptom listed in 2-201.11(B)	1. No illness results + no symptoms or 2. Suspect cause of illness + no symptoms + Doctor: stool or blood free or 3. Doctor: Noninfectious condition (B)(1)	1. No illness results + no symptoms or 2. Suspect cause of illness + no symptoms + Doctor: stool or blood free or 3. Doctor: Noninfectious condition (B)(1)
3. Experiencing a symptom listed in 2-201.11(B)(1) and meets a high-risk condition 2-201.11(D)(1)-(4) 2-201.12(C)(1)	Doctor: 1. Stools or blood free or 2. No jaundice per .13(D) 3..12 (C)(1) Noninfectious condition (C)	1. No illness results + no symptoms or 2. Suspect cause of illness + no symptoms + Doctor: stool or blood free or 3. Doctor: Noninfectious condition (B)(1)
4. Asymptomatic but stools positive for <b><i>S. typhi</i></b> , <b><i>Shigella</i></b> spp., or <b><i>E. coli</i></b> O157:H7 2-201.12(B)(2) & (C)(2)	Doctor - stools free (C)	Doctor - stools free (B)(2)
5. Past illness from <b><i>Salmonella typhi</i></b> within the last 3 months 2-201.11(C)	Doctor - stools free (C)	NA
6. Past illness from <b><i>Shigella</i></b> spp., or <b><i>E. coli</i></b> O157:H7 within last month 2-201.11(C)	Doctor - stools free (C)	NA
7. Onset of jaundice within last 7 days 2-201.12(D)(1)	1. No illness results + Doctor - blood free or Doctor - no jaundice or 2. Suspect cause of illness + both satisfied (D)	1. No illness results + Doctor - blood free or Doctor - no jaundice or 2. Suspect cause of illness + both satisfied (D)
8. Onset of jaundice more than 7 days ago 2-201.12(D)(2)	1. No illness results + Doctor - blood free or Doctor - no jaundice or 2. Suspect cause of illness + both satisfied (D)	1. No illness results + Doctor - blood free or Doctor - no jaundice or 2. Suspect cause of illness + both satisfied (D)

The major headings from each of the Code chapters have been extracted and condensed in this Guide to key word phrases to assist the person conducting inspections in locating the Code citation that corresponds to a given violation. The Guide is intended to be used during inspections as an aid in referencing Code provisions, ensuring that provisions of the Code are not overlooked during the inspection, and accurately completing the Food Establishment Inspection Report form.

# INSPECTIONAL GUIDE

## Management and Personnel

### SUPERVISION

- 2-101.11 Assignment of **Responsibility\***
- 2-102.11 Demonstration of **Knowledge\***
- 2-103.11 **Duties** of Person in Charge

### EMPLOYEE HEALTH

#### **Disease or Medical Condition**

- 2-201.11 Responsibility of Person in Charge\*
- 2-201.12 Exclusions and Restrictions\*
- 2-201.13 Removal of Exclusions/Restrictions
- 2-201.14 Reporting by Employee/Applicant\*
- 2-201.15 Reporting by Person In Charge\*

### PERSONAL CLEANLINESS

#### **Hands and Arms**

- 2-301.11 Clean Condition\*
- 2-301.12 Cleaning Procedure\*
- 2-301.13 Special Handwash Procedures\*
- 2-301.14 When to Wash\*
- 2-301.15 Where to Wash
- 2-301.16 Hand Sanitizers
- 2-302.11 **Fingernail** Maintenance
- 2-303.11 **Jewelry** Prohibitions
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### HYGIENIC PRACTICES

- 2-401.11 Eating, Drinking, or Using Tobacco\*
- 2-401.12 Discharges-Eye, Nose, Mouth\*
- 2-401.11 **Hair Restraint** Effectiveness
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## Food

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- 3-101.11 Safe/Unadul./Honestly Presented\*

### SOURCES/SPECIFICATIONS/ORIGINAL

### CONTAINER/RECORDS

#### **Sources**

- 3-201.11 Compliance with Food Law\*
- 3-201.12 Hermetically Sealed Food\*
- 3-201.13 Fluid Milk and Milk Products\*
- 3-201.14 Fish\*
- 3-201.15 Molluscan Shellfish\*
- 3-201.16 Wild Mushrooms\*
- 3-201.17 Game Animals\*

#### **Specifications for Receiving**

- 3-202.11 Temperature\*
- 3-202.12 Additives\*
- 3-202.13 Shell Eggs\*
- 3-202.14 Pasteurized Eggs and Milk\*
- 3-202.15 Package Integrity\*
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- 3-202.17 Shucked Shellfish, Packaging/ID
- 3-202.18 Shellstock Identification\*
- 3-202.19 Shellstock, Condition

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- 3-203.11 Shellfish
- 3-203.12 Shellstock, Record Keeping\*

### PROTECT. FROM CONTAMINATION AFTER RECEIVING

- 3-301.11 **Contamination from Employees' Hands\***
- 3-301.12 Contamination When Tasting\*

#### **Contamination from Other Foods/Ingredients**

- 3-302.11 Separation/Packaging/Segregation\*
- 3-302.12 Containers Identified/Common Name
- 3-302.13 Pasteurized Eggs, Certain Recipes.\*
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- 3-303.11 Exterior Ice Prohibited Ingredient
- 3-303.12 Food in Contact with Water or Ice

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- 3-304.11 Food Contact with Soiled Items\*
- 3-304.12 In-Use Utensils/Between-Use Storage
- 3-304.13 Linens and Napkins, Use Limitation
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- 3-304.17 Refilling Returnables

#### **Contamination from the Premises**

- 3-305.11 Food Storage
- 3-305.12 Food Storage, Prohibited Areas
- 3-305.13 Vended Food, Original Container
- 3-305.14 Food Preparation

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- 3-306.11 Food Display
- 3-306.12 Condiments, Protection
- 3-306.13 Consumer Self-Service Operations\*
- 3-306.14 Returned Food, Reservice or Sale\*

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#### **Cooking**

- 3-401.11 Raw Animal Foods\*
- 3-401.12 Microwave Cooking\*
- 3-401.13 Plant Foods for Hot Hold

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- 3-402.12 Records, Creation and Retention

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- 3-403.11 Hot Holding\*

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- 3-501.11 Frozen Food
- 3-501.12 Slacking
- 3-501.13 Thawing
- 3-501.14 Cooling\*
- 3-501.15 Cooling Methods
- 3-501.16 Hot and Cold Holding\*
- 3-501.17 Ready-to-Eat Food, Dating\*
- 3-501.18 Ready-to-Eat Food, Disposition\*
- 3-501.19 Time as a Public Health Control\*

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- 3-502.11 Variance Requirement\*
- 3-502.12 Reduced Oxygen Packaging, Criteria\*

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#### **Accurate Representation**

- 3-601.11 Standards of Identity
- 3-601.12 Honestly Presented

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- 3-602.12 Other Forms of Information

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- 3-603.11 Consumption of Raw Animal Foods\*

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- 3-801.11 Special Requirements\*

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- 4-101.12 Cast Iron
- 4-101.13 Lead in Ceramic, China, Crystal Utensils
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#### **Single-Service and Single-Use**

- 4-102.11 Characteristics\*

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- 4-201.12 Food Temperature Measuring Devices\*

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- 4-202.13 "V" Threads
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- 4-202.17 Kick Plates, Removable
- 4-202.18 Ventilation Hood, Filters

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- 4-204.13 Dispensing Equipment, Barriers

- 4-204.14 Vending Machine, Stage Closure
- 4-204.15 Bearings and Gear Boxes, Leakproof
- 4-204.16 Beverage Tubing, Separation
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- 4-204.111 Vending Machines, Automatic Shutoff\*
- 4-204.112 Temperature Measuring Devices
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- 4-204.114 Warewasher, Internal Baffles
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- 4-204.117 Warewasher, Sanitizer Indicator
- 4-204.118 Warewasher, Flow Pressure Device
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  - 4-301.12 Warewashing, Sink Requirements
  - 4-301.13 Drainboards
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- #### **Utensils and Measuring/Testing Devices**
- 4-302.11 Utensils for Consumer Self-Service
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  - 4-302.13 Wash/San. Temp. Measuring Devices
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### LOCATION AND INSTALLATION

- 4-401.11 Equip. **Location**/Preventing Contam.

#### **Installation**

- 4-402.11 Fixed Equipment, Spacing/Sealing
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#### **Equipment**

- 4-501.11 Good Repair and Proper Adjustment
  - 4-501.12 Cutting Surfaces
  - 4-501.13 Microwave Ovens
  - 4-501.14 Equipment, Cleaning Frequency
  - 4-501.15 Warewasher, Operating Instructions
  - 4-501.16 Warewashing Sinks, Use Limitation
  - 4-501.17 Warewashing, Cleaning Agents
  - 4-501.18 Warewashing, Clean Solutions
  - 4-501.19 Warewashing, Wash Sol. Temperature
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  - 4-501.116 Determining Chem.San. Concentration
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  - 4-502.12 Single-Ser./Use Art., Required Use
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#### **Objective**

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- 4-602.12 Cooking and Baking Equipment
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- 4-603.12 Precleaning
- 4-603.13 Loading of Soiled Items, Warewasher
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- 4-603.15 Washing, Alternative Manual Equipment
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- 4-702.11 **Frequency**-Before Use After Cleaning\*
- 4-703.11 **Methods**-Hot Water and Chemical\*

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- 4-801.11 **Objective**, Clean Linens
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### **Lubricating and Reassembling**

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- 4-903.11 Equip./Uten./Lin./Sing.-Ser/Use Art.
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- 4-904.11 Kitchenware and Tableware
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- 5-101.12 System Flushing and Disinfection\*
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- 5-102.11 Standards\*
- 5-102.12 Nondrinking Water\*
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- 5-104.11 System
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- 5-201.11 **Materials**, Approved\*

#### **Design, Construction, and Installation**

- 5-202.11 Approved System/Cleanable Fixtures\*
- 5-202.12 Handwashing Lav., Water Temp./Flow
- 5-202.13 Backflow Prevention, Air Gap\*
- 5-202.14 Backflow Prevention Device, Design
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- 5-203.11 Handwashing Lavatory\*
- 5-203.12 Toilets and Urinals\*
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- 5-204.11 Handwashing Lavatory\*
- 5-204.12 Backflow Prevention Device/Location
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- 5-205.11 Using a Handwashing Lavatory
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- 5-205.13 Scheduling Device Inspect./Service
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- 5-302.11 Enclosed System, Sloped to Drain
- 5-302.12 Inspection Port, Protected/Secured
- 5-302.13 "V" Type Threads, Use Limitation
- 5-302.14 Tank Vent, Protected
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- 5-302.16 Hose, Construction/Identification

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- 5-303.11 Filter, Compressed Air
- 5-303.12 Protective Equipment or Device
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- 5-304.11 Flushing and Disinfecting System\*
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- 5-304.13 Protect. Inlet/Outlet/Hose Fitting
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- Retention, Drainage, and Delivery**
- 5-402.11 Backflow Prevention\*
- 5-402.12 Grease Trap
- 5-402.13 Conveying Sewage\*
- 5-402.14 Removing Mobile Food Est. Wastes
- 5-402.15 Flushing a Waste Retention Tank

### **Disposal Facility**

- 5-403.11 Approved Sewage Disposal System\*
- 5-403.12 Other Liquid Wastes and Rainwater

## **REFUSE, RECYCLABLES, AND RETURNABLES**

### **Facilities on the Premises**

- 5-501.11 Outdoor Storage Surface
- 5-501.12 Outdoor Enclosure
- 5-501.13 Receptacles
- 5-501.14 Receptacles in Vending Machines
- 5-501.15 Outside Receptacles
- 5-501.16 Areas-Receptacles, Capacity/Avail.
- 5-501.17 Toilet Room Receptacle, Covered
- 5-501.18 Cleaning Implements and Supplies
- 5-501.19 Storage Areas and Units/Location
- 5-501.110 Storing Refuse/Recyclables/Return.
- 5-501.111 Areas/Enclosures/Receptacles, Repair
- 5-501.112 Outside Storage Prohibitions
- 5-501.113 Covering Receptacles
- 5-501.114 Using Drain Plugs
- 5-501.115 Maintaining Refuse Areas/Enclosures
- 5-501.116 Cleaning Receptacles

### **Removal**

- 5-502.11 Frequency
- 5-502.12 Receptacles or Vehicles

### **Facilities for Disposal/Recycling/Refilling**

- 5-503.11 Community or Individual Facility

## **Physical Facilities**

### **MATERIALS FOR CONSTRUCTION AND REPAIR**

- 6-101.11 **Indoors**, Surface Characteristics
- 6-102.11 **Outdoors**, Surface Characteristics

## **DESIGN, CONSTRUCTION, AND INSTALLATION**

### **Cleanability**

- 6-201.11 Floors, Walls, and Ceilings
- 6-201.12 Floors/Walls/Ceilings, Utility Lines
- 6-201.13 Junctures, Coved/Enclosed/Sealed
- 6-201.14 Carpeting, Restriction/Installation
- 6-201.15 Floor Covering, Mats and Duckboards
- 6-201.16 Wall, Ceiling, Coverings/Coatings
- 6-201.17 Walls and Ceilings, Attachments
- 6-201.18 Wall, Ceiling, Studs/Joists/Rafters

### **Functionality**

- 6-202.11 Light Bulbs, Protective Shielding
- 6-202.12 Ventilation System, Exhaust Vents
- 6-202.13 Insect Contr. Dev., Design/Install.
- 6-202.14 Toilet Rooms, Enclosed
- 6-202.15 Outer Openings, Protected
- 6-202.16 Exterior Walls/Roofs, Barriers
- 6-202.17 Outdoor Vending Areas, Protection
- 6-202.18 Outdoor Servicing Areas, Protection
- 6-202.19 Outdoor Walk/Drive Surfaces, Drained
- 6-202.110 Outdoor Refuse Areas, Curbed/Drained
- 6-202.111 Homes/Living/Sleeping Qtrs., Prohib.
- 6-202.112 Living/Sleeping Quarters, Separation

## **NUMBERS AND CAPACITIES**

### **Handwashing Lavatories**

- 6-301.11 Hand Cleanser, Available
- 6-301.12 Hand Drying Provision
- 6-301.13 Handwash Aids and Devices, Use Restrictions

### **Toilets and Urinals**

- 6-302.11 Toilet Tissue, Availability
- 6-303.11 **Lighting**, Intensity
- 6-304.11 **Ventilation**, Mechanical
- 6-305.11 **Dressing Areas/Lockers**, Designation

## **LOCATION AND PLACEMENT**

- 6-402.11 **Toilet Rooms**, Convenient/Accessible
- 6-403.11 **Employee Accommodations**, Designated
- 6-404.11 **Distressed Merchandise**, Segregated

## **MAINTENANCE AND OPERATION**

### **Premises/Fixtures - Methods**

- 6-501.11 Repairing
- 6-501.12 Cleaning, Frequency/Restrictions
- 6-501.13 Cleaning Floors, Dustless Methods
- 6-501.14 Clean. Vent. Sys., Prev. Discharge
- 6-501.15 Clean. Maint. Tools, Prev. Contam.\*
- 6-501.16 Drying Mops
- 6-501.17 Floors - Absorbent Materials
- 6-501.18 Maintaining/Using Handwashing Lav.
- 6-501.19 Closing Toilet Room Doors
- 6-501.110 Using Dressing Rooms and Lockers
- 6-501.111 Controlling Pests\*
- 6-501.112 Removing Dead or Trapped Pests
- 6-501.113 Storing Maintenance Tools
- 6-501.114 Unnecessary Items and Litter
- 6-501.115 Prohibiting Animals\*

## **Poisonous or Toxic Materials**

### **LABELING AND IDENTIFICATION**

#### **Original Containers**

- 7-101.11 Identifying Information, Prominence\*
- 7-102.11 **Working Containers**, Common Name\*

## **OPERATIONAL SUPPLIES AND APPLICATIONS**

- 7-201.11 **Storage**, Separation\*

### **Presence and Use**

- 7-202.11 Restriction\*
- 7-202.12 Conditions of Use\*

### **Container Prohibitions**

- 7-203.11 Poisonous/Toxic Material Containers\*

### **Chemicals**

- 7-204.11 Sanitizers\*
- 7-204.12 Washing Fruits and Vegetables\*
- 7-204.13 Boiler Water Additives\*
- 7-204.14 Drying Agents\*
- 7-205.11 **Lubricants**, Incidental Food Contact\*

### **Pesticides**

- 7-206.11 Restricted-Use, Criteria\*
- 7-206.12 Bait Stations\*
- 7-206.13 Tracking Powders\*

### **Medicines**

- 7-207.11 Restriction and Storage\*
- 7-207.12 Medicines, Refrigerated Storage\*
- 7-208.11 **First Aid Supplies**, Storage\*
- 7-209.11 **Other Personal Care Items**, Storage

## **STOCK AND RETAIL SALE**

- 7-301.11 **Storage and Display**, Separation\*

## **Compliance and Enforcement**

### **CODE APPLICABILITY**

#### **Variances**

- 8-103.11 Documentation and Justification
- 8-103.12 Conformance with Procedures\*

## **PLAN SUBMISSION AND APPROVAL**

### **Facility and Operating Plans**

- 8-201.11 When Plans Are Required
- 8-201.12 Contents of Plans/Specifications
- 8-201.13 HACCP Plan/When Required
- 8-201.14 Contents of a HACCP Plan

### **PERMIT TO OPERATE**

- 8-301.11 **Requirement**, for Operation

### **Application Procedure**

- 8-302.11 Submit 30 Days Before Opening
- 8-302.12 Form of Submission
- 8-302.13 Applicant Qualification/Responsibility
- 8-302.14 Contents of the Application

### **Conditions of Retention**

- 8-304.11 Permit Holder Responsibility

## **INSPECTION AND CORRECTION OF VIOLATIONS**

### **Access**

- 8-402.11 After Due Notice at Reasonable Time

### **Imminent Health Hazard**

- 8-404.11 Ceasing Operations and Reporting
- 8-404.21 Resumption of Operations

### **Critical Violation**

- 8-405.11 Timely Correction

### **Noncritical Violation**

- 8-406.11 Time Frame for Correction

**Chart 1****Summary Chart for Minimum Cooking Food Temperatures and Holding Times Required by Chapter 3**

<b>Food</b>	<b>Minimum Temperature</b>	<b>Minimum Holding Time at the Specified Temperature</b>
<b>Unpasteurized Shell Eggs</b> prepared for immediate service <b>Commercially Raised Game Animals</b> <b>Fish and Meat Not Specified</b> in Subparagraphs 3-401.11(A)(2) and (3) and ¶ 3-304.11(B)	<b>63°C (145°F)</b>	<b>15 seconds</b>
<b>Unpasteurized Shell Eggs</b> not prepared for immediate service <b>Pork</b> <b>Exotic Species of Game Animals</b> <b>Comminuted Fish and Meats</b> <b>Injected Meats</b>	<b>68°C (155°F)</b> <b>66°C (150°F)</b> <b>63°C (145°F)</b>	<b>15 seconds</b> <b>1 minute</b> <b>3 minutes</b>
<b>Poultry</b> <b>Stuffed Fish; Stuffed Meat; Stuffed Pasta;</b> <b>Stuffed Poultry</b> <b>Stuffing Containing Fish, Meat, or Poultry</b> <b>Wild Game Animals</b>	<b>74°C (165°F)</b>	<b>15 seconds</b>
<b>Food Cooked in A Microwave Oven</b>	<b>74°C (165°F)</b>	<b>and hold for 2 minutes after removing from microwave oven</b>

**Chart 2**

**Summary Chart for Minimum Food Temperatures and Holding Times  
Required by Chapter 3 for Reheating Foods for Hot Holding**

<b>Food</b>	<b>Minimum Temperature</b>	<b>Minimum Holding Time at the Specified Temperature</b>	<b>Maximum Time to Reach Minimum Temperature</b>
¶ 3-403.11(A) Food that is cooked, cooled, and reheated	74°C (165°F)	15 seconds	2 hours
¶ 3-403.11(B) Food that is reheated in a microwave oven	74°C (165°F)	and hold for 2 minutes after removing from microwave oven	2 hours
¶ 3-403.11(C) Food that is taken from a commercially processed, hermetically sealed container or intact package	60°C (140°F)	No time specified	2 hours
¶ 3-403.11(C) Unsliced portions of roasts of beef cooked as specified under Subparagraph 3-401.11(A)(3)	Same oven parameters and minimum time and temperature conditions as specified under Subparagraph 3-401.11(A)(3)		Not applicable
	OR		
	Minimum time and temperature conditions listed in this chart for ¶ 3-403.11(A) or ¶ 3-403.11(B).		



## Matrix

### FDA Food Code Mobile Food Establishment Matrix

This table is a plan review and inspectional guide for mobile food establishments based on the mobile unit's menu and operation. Mobile units range in type from push carts to food preparation catering vehicles.

To use the table, read down the columns based on the menu and operation in use. For example, if only prepackaged potentially hazardous food is served, then requirements listed in the **Potentially Hazardous Menu - Prepackaged** column apply. Likewise, if only food that is not potentially hazardous is prepared on board, then requirements listed in the **Not Potentially Hazardous Menu - Food Preparation** column apply. Note that if a mobile food establishment has available for sale to the consumer both prepackaged potentially hazardous food and potentially hazardous food prepared on board, then the more stringent requirements of the **Potentially Hazardous Menu - Food Preparation** column apply.

It is important to remember that mobile units may also be subject to all Food Code provisions that apply to food establishments. Consult the local regulatory authority for specific local requirements.

The local regulatory authority's decision to require auxiliary support services such as a commissary or servicing area should be based on the menu, type of operation and availability of on-board or on-site equipment.

NOTE: The Food Code definition of "Food Establishment" does not include an establishment that offers only prepackaged foods that are not potentially hazardous.

<b>FDA FOOD CODE MOBILE FOOD ESTABLISHMENT MATRIX</b>			
<i><b>Food Code</b></i>	<i><b>Potentially Hazardous Menu</b></i>		<i><b>Not Potentially Hazardous Menu</b></i>
<i><b>Areas/Chapter</b></i>	<i><b>Food Preparation</b></i>	<i><b>Prepackaged</b></i>	<i><b>Food Preparation</b></i>
<b>Personnel</b>	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (B)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (B)	Applicable Sections of Parts 2-2 - 2-4 5-203.11 (B)
<b>Food</b>	3-101.11 3-201.11-.16 3-202.16; Applicable Sections of Part 3-3; 3-501.16 3-501.18(A) &(C)	3-101.11 3-201.11-.16 3-303.12(A) 3-305.11; 3-305.12 (Applicable to Service Area or Commissary)	3-101.11; 3-201.11 3-202.16; Applicable Sections of Part 3-3
<b>Temperature Requirements</b>	3-202.11; Applicable Sections of Parts 3-4 & 3-5	3-202.11 3-501.16	NONE
<b>Equipment Requirements</b>	Applicable Sections of Parts 4-1- 4-9 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-6 and 5-5	Applicable Sections of Parts 4-1 - 4-2; 4-5 - 4-6 and 5-5
<b>Water &amp; Sewage</b>	5-104.12 5-203.11(A) & (B) Part 5-3; 5-401.11 5-402.13-.15	5-203.11(B)	5-104.12 5-203.11(A) & (B) Part 5-3; 5-401.11 5-402.13-.15
<b>Physical Facility</b>	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111	6-101.11 6-102.11(A) & (B) 6-202.15 6-501.111	6-101.11; 6-201.11 6-102.11(A) & (B) 6-202.15; 6-501.11 6-501.12; 6-501.111
<b>Toxic Materials</b>	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7	Applicable Sections of Chapter 7
<b>Servicing</b>	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code	6-202.18 / As necessary to comply with the Food Code
<b>Compliance and Enforcement</b>	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1	Applicable Sections of Chapter 8 and Annex 1